



Mayor's Office to
Combat Domestic
Violence

REMARKS OF

COMMISSIONER YOLANDA B. JIMENEZ

MAYOR'S OFFICE TO COMBAT DOMESTIC VIOLENCE

BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON WOMEN'S ISSUES

AND COMMITTEE ON IMMIGRATION

"IMPACT OF THE VIOLENCE AGAINST WOMEN ACT (VAWA)
ON IMMIGRANT VICTIMS OF DOMESTIC
VIOLENCE IN NEW YORK CITY"

March 23, 2010

Good morning Chairpersons Ferreras and Dromm, and members of the City Council Committees on Women's Issues and Immigration. Thank you for the opportunity to speak with you today about the Violence Against Women Act, commonly referred to as VAWA, and the ways in which this watershed legislation has affected the City's provision of domestic violence services for immigrant victims of domestic violence.

VAWA has had a profound effect on the safety of domestic violence victims, especially immigrant victims. It was originally passed in 1994 as part of the larger Violent Crime Control and Law Enforcement Act and was reauthorized in 2000 and 2005; it is slated for reauthorization in 2011. The goals of VAWA are twofold: first, it is designed to improve the criminal justice response to domestic violence, and second, it aims to increase the availability of services for victims of these crimes. To do so, the office on Violence Against Women (OVW) was created within the U.S. Department of Justice in 1995 specifically to administer VAWA grant funds and implement the legislation. Additionally, the National Domestic Violence Hotline was established by funds authorized by VAWA; today, trained staff at the National Domestic Violence Hotline answer an average of 21,000 calls a month from victims of domestic violence.

The reauthorizations of VAWA in both 2000 and 2005 served to strengthen the original law while also adding new protections and programs. For example, VAWA 2000 emphasized assisting elder victims, victims with disabilities, and victims of dating violence. Significantly, it was VAWA 2000 that also strengthened laws and provided an increased focus on access to services by immigrant victims of domestic violence, sexual assault and stalking. The 2005 reauthorization of VAWA expanded further the focus on

underserved victims and allocated new resources to help victims of sexual assault, Indian women and youth victims.

Several VAWA grants awarded to New York City have had a tremendous impact and have allowed us to make systemic changes resulting in better services for victims of domestic violence. New York City is a city of immigrants; in fact, almost 40% of New Yorkers are foreign born and 48% speak a language other than English at home. Accordingly, New York City has received several VAWA grants that focus specifically on assisting immigrant victims. For example, in 2001 my office received a VAWA grant to implement our Law Enforcement Collaboration: Domestic Violence in Diverse Communities program through which we partnered with the Police Department and 11 different community based organizations. This grant allowed us to do community based research with immigrant communities throughout the City to learn directly from individuals in their own language what barriers they perceived or encountered when trying to access services. To that end, between 2002 and 2003, we conducted 24 focus groups in 14 different languages, including Bengali, Urdu, Korean, Haitian Creole, Spanish and Arabic. Overwhelmingly, we learned that language access was a primary barrier to services. Victims explained that their inability to communicate in their own language, especially with law enforcement, resulted in a reluctance to come forward to report crimes or seek assistance from the police.

These results led us to apply for and receive another VAWA grant to address the findings from this research. Under this grant, the City piloted the Language Line Program in the 110 and the 115 Precincts in Queens in the neighborhoods of East Elmhurst, Corona and Jackson Heights. These precincts cover perhaps the most

ethnically diverse neighborhoods in the world comprised of immigrants from India, Pakistan, Ecuador, Colombia, Mexico, China, Korea, Guyana, Bangladesh, the Philippines, Jamaica and other Caribbean countries. This diversity is reflected in the fact that 83% of residents in these precincts speak a language other than English at home.

The Language Line Program provides telephonic interpretation to allow domestic violence victims who do not speak English to tell their stories to the police in their own language and get the help they need. As a result of this VAWA-funded pilot project, as of July 2005, all City police precincts have direct, instant access to telephonic interpretation 24-hours a day to assist with the investigation of any crime. These dual hand-set phones allow victims with limited English proficiency to communicate with ease in their own language with police officers.

In addition to the services established through our initial VAWA-funded activities to address language barriers, in July 2008 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. In implementing the Language Access Plan, my office has identified and translated essential documents on our website and at both Family Justice Centers, which is where victims of domestic violence can access a myriad of legal and social services under one roof. Documents are translated into Arabic, Bengali, Chinese, Haitian-Creole, Korean, Russian and Spanish; and by July of this year we will also have French, Hebrew, Hindi, Polish, Turkish and Urdu translations.

One of the unique aspects of VAWA is that the law takes a comprehensive approach to violence against women as it encourages a coordinated community response

to domestic violence. The theory behind this is that it fosters collaboration between individuals and organizations from a broad spectrum of disciplines within the community to address domestic violence. Specifically, VAWA encourages grantees to facilitate coordinated work between law enforcement officers, prosecutors, and non profit victim advocates to use their roles to improve the community response to domestic violence. This is exactly what New York City has been doing.

One of the most successful examples of the coordinated community response to domestic violence is the Family Justice Center Initiative. In 2004, my office applied for and received one of 15 grants nationwide, chosen from 150 applications, from the Office on Violence Against Women to establish a Family Justice Center in Brooklyn, an initiative of my office in partnership with the District Attorney's Office. Under the President's Family Justice Center Initiative, our Center in Brooklyn was the first Center to open in the country. 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. A victim of domestic violence can walk into the Centers and on the same day, meet with a prosecutor, speak with a trained counselor, and talk to an attorney about immigration remedies or custody issues – all in their language while their children play safely in the next room. Since the Brooklyn Center opened in 2005, it has had almost 63,000 client visits including over 5,500 children's visits. Due to the overwhelming success of the Brooklyn Center, Mayor Bloomberg opened the City's second Center in Kew Gardens, Queens in July 2008, and it has had almost 15,000 client visits since opening. A third Center is currently under development in the Bronx and will open this year.

Each Center is tailored to meet the specific needs of persons living in the respective borough. 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. Staff members at our Centers, who collectively speak 34 languages, are able to effectively communicate with clients. If staff does not speak the client's language, they can use Language Line which gives them access to another 140 languages. Additionally, the partner agencies at each Center are chosen to reflect the population of that borough. For example, the New York Asian Women's Center serves the needs of the large Asian population coming to our Queens Center.

Building on the success of our Family Justice Center Initiative, my office was awarded a VAWA grant in 2007 to launch the Early Victim Engagement (EVE) Project at the Brooklyn Center. Research indicates that domestic violence victims are most likely to utilize services if they are contacted as soon as possible after a violent incident. In domestic violence cases in New York City, a defendant must be arraigned within 24-hours and at arraignment, judges make bail determinations and routinely issue criminal orders of protection. Victims are typically not present at arraignment and are often unaware of the status of the case. As a result, in the past, victims often obtained unreliable and even dangerously inaccurate information about the outcome of the arraignment and the existence of an order of protection. For example, this information was often conveyed to the victim directly by the offender. Beginning in April 2008, EVE staff, consisting of a Kings County District Attorney's Office paralegal and a Safe Horizon nonprofit victim advocate based in Criminal Court, began contacting victims

immediately post-arraignment to provide information about the outcome of the arraignment including whether an order of protection had been issued as well as to connect the victim to vital supportive services at the Family Justice Center. Since the project's inception, the EVE Project teams have contacted over 14,000 victims. This means that EVE's multidisciplinary staff contacts 89% of all victims immediately after the defendant has been arraigned. Of those successfully contacted, over 5,000 are foreign born and nearly 4,000 have limited English proficiency. The EVE Project also receives referrals from three Brooklyn precincts (67, 75, 83) after a domestic violence victim has filed a report for a non-arrestable harassment offense against their partner. These precincts were selected in an effort to reach areas with particularly high concentrations of domestic violence reports. Since April 2008, through the work of a non profit victim advocate from Good Shepherd Services Safe Homes Project, we have successfully contacted 400 domestic violence victims through this portion of the project.

Significantly, since the EVE Project began, there has been a 33% increase in clients meeting with staff of the District Attorney's Office to discuss their criminal case and EVE has contributed to a 35% increase in clients seen at the Family Justice Center. This project is particularly key to immigrant communities because it increases direct engagement with victims and explains the complicated criminal justice system in a personal and user-friendly way.

From the beginning, VAWA recognized that immigrant women face additional barriers in accessing services and that many undocumented or out-of-status victims feared that leaving the abusive partner might negatively impact their immigration status.

Furthermore, we often hear from victims that a common threat made by batterers is that they will no longer support a victim's immigration application or they make false threats to the victim about the threat of deportation if the victim leaves the relationship. VAWA, and its subsequent reauthorizations, sought to remedy this through legal protections.

VAWA established two legal remedies for undocumented or out-of-status victims: the VAWA Self-Petition and the Battered Spouse Waiver. The VAWA Self-Petition allows victims who are married to petition for permanent residency if the batterer is a U.S. citizen or Lawful Permanent Resident. The Battered Spouse Waiver applies to situations in which the batterer started the immigration process for their spouse but then refused to continue it. The 2000 VAWA reauthorization expanded legal remedies, through the U-Visa, to apply to unmarried individuals who have been the victim of a crime. U-Visas allow victims of certain designated crimes, including domestic violence crimes, who cooperate with prosecution, to obtain legal status irrespective of the abuser's status. Regulations clarifying the application process went into effect in early 2008. After these final regulations were issued, one of the first U-Visa applications to be approved for a green card in the country was obtained for a client from our Center in Brooklyn. Even before a victim receives a green card, however, once their U-Visa application has been approved, they are immediately eligible for public benefits and can legally work. To date, approximately 238 of our clients have had their U-Visa applications approved, thus making them eligible for public benefits and a work permit.

Due to a high volume of clients at the Centers in need of immigration legal assistance, the City now provides funding for attorneys who specialize in immigration matters on-site at our Centers. At the Family Justice Centers alone we have assisted over

2,500 clients with their federal legal immigration needs including filing for 287 U-Visas, 97 Self-Petitions, and 35 Battered Spouse Waivers. These numbers are even more significant when one considers that each VAWA Self-Petition that is filed requires approximately 50 to 75 hours of work by attorneys and paralegals—some of whom are funded by VAWA grants at the Family Justice Centers. These federal legal remedies provide undocumented or out-of-status victims with a pathway to self-sufficiency, stability and a life free of violence.

Perhaps the best way for me to explain how these legal remedies affect victims of domestic violence is to tell you about Maria. Maria first came to the Brooklyn Center in 2005 when, after years of physical and emotional abuse, her partner was arrested for holding her hostage for several hours and making threats on her life. Because attorneys from Sanctuary for Families and the District Attorney's Office were co-located at the Center, they were able to seamlessly work together to file for a U-Visa. Her application was approved later that year which allowed her to begin working and receiving public benefits. Over the years, while attorneys helped her apply for a green card, staff at the Center assisted her, through counseling and other services, in overcoming the trauma she had experienced. On January 28, 2010, Maria finally became a Lawful Permanent Resident of the United States. She now has a stable job, receives public benefits and has a life free of violence.

Not only did VAWA affect a change in the ways in which we understand and address domestic violence at a federal, state and local level, but this legislation has proven to be exceedingly effective. Since VAWA was first passed in 1994, more victims report domestic violence to the police than ever before: according to the National Crime

Victimization Survey, nationally, there has been an increase of over 20% in reporting rates by female victims. Furthermore, according to the Bureau of Justice Statistics, since the passage of VAWA, the rate of non-fatal intimate partner violence against women has decreased by 63% and there has been a 24% decrease in women killed by an intimate partner.

Certainly the national funding through VAWA, and in particular the funding the City receives, has made a substantial impact on the safety and well-being of victims of domestic violence, including immigrant victims. In New York City, intimate partner homicides declined by 37% since 2002 – declining from 41 in 2002 to 26 last year. Significantly, intimate partner homicides involving female victims declined by 47%, from 34 to 18, during the same time period. More victims are reaching out for assistance – the number of Domestic Violence Incident Reports filed by the New York City Police Department increased in 2009 by almost 13% when compared to 2002.

But there is more work to be done. We all know that domestic violence is an underreported crime which is why we are pleased to report that there are more victims coming forward than ever. Last year, more than 140,000 people called the New York City Domestic Violence Hotline for assistance – an increase of an additional 300 calls per month compared to the previous year. The New York City Police Department is also assisting more victims. In 2009, more than 250,000 Domestic Violence Incident Reports were filed by NYPD, an increase of more than 15,000 over 2008. The increase in victims seeking assistance is the exact reason that the reauthorization of VAWA next year is so important. VAWA funds are essential to New York City in our efforts to continue to

provide the best services possible for all victims of domestic violence, but especially to immigrant domestic violence victims.

I would like to thank the Council for the opportunity to speak with you today about VAWA and its effect on immigrant victims of domestic violence in New York City. I am proud of the work that the City has done to provide safety to victims, and look forward to working with the Council on our shared goal of reducing domestic violence in all communities. Thank you.



**Testimony before the Joint Hearing of New York City Council's
Committees on Women's Issues and Immigration**

***"How Does the Violence Against Women Act Impact Services
for Immigrant Women in New York City?"***

March 23, 2010

Sanctuary for Families is honored to present to the distinguished members of your Committees. My name is Avidah Moussavian and I am a Senior Staff Attorney of the Immigration Intervention Project at Sanctuary for Families' Center for Battered Women's Legal Services. Sanctuary For Families is the largest nonprofit in New York State dedicated exclusively to serving domestic violence victims and their children, through shelter, legal and social services. 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 our Immigration Intervention Project has a staff of 16 full-time employees providing immigration legal remedies. 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. Having just celebrated the 20th anniversary of our Legal Center, we feel our years of direct service experience uniquely qualify us to present to you both the successes as well as the ongoing challenges in serving New York City's immigrant victims of domestic violence and sexual assault.

Several months ago, in June 2009, our office testified before you and your colleagues on the Public Safety and Health Committees on how to better address the needs of New York City's victims of domestic violence and sexual assault. We would like to reiterate the same acknowledgements we made then by applauding, first, the ongoing commitment to Executive Order 41, which promotes safe and confidential access to city services such as police protection, shelter and other city services that are essential to the survival of domestic violence victims; second, the creation of three Family Justice Centers (in Brooklyn, Queens and, in coming weeks, the Bronx) which offer holistic services to domestic violence victims under one roof; and third, the Administration for Children's Services increased sensitivity and commitment to the needs of immigrant children and immigrant victims of domestic violence.

Despite these successes, however, we still face important, surmountable challenges to serving immigrant victims of domestic violence. We would like to highlight for you today the most serious barriers we face in serving victims who are eligible for benefits under federal immigration laws, such as the Violence Against Women Act of 1994 (also known as "VAWA" and later reauthorized in 2000 and 2005) and the Victims of Trafficking and Violence Prevention Act of 2000, which created T visas for trafficking victims and U visas for victims of serious crimes. These barriers have made it more difficult or in some cases impossible for immigrant victims to avail themselves of remedies under these federal laws.

U Nonimmigrant Status Certification

As you may know, 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 a U visa, a temporary immigration status

that eventually leads to citizenship. In order to qualify for this special status, crime victims must submit a certification form from law enforcement officials or a judge. While several types of crimes can be used as the basis for a U visa application, a recent *New York Times* article from January 8, 2010 ("*A Special Visa Program Benefits Abused Illegal Immigrants*," by Katherine Ellison) states that federal immigration officials estimate that "at least three-fourths" of U visa applicants are victims of domestic violence. To date, Sanctuary for Families has successfully represented over 450 victims in obtaining U Nonimmigrant Status, and obtained status for nearly 200 dependents on their approved applications.

In order to assist immigrant crime victims to obtain U visa status, we have built successful collaborations with the District Attorneys offices of all five boroughs and the Administration for Children's Services. Each of these offices has created a clear, centralized process for issuing U visa certifications in a timely manner. In addition, we have been asked by the Chief Judge of the New York City Family Courts, Judge Edwina Richardson-Mendelson, to draft guidance on U visa certifications for Family Court Judges, several of whom have already issued certifications. All of these agencies have recognized the importance of assisting immigrant victims of domestic violence and their courage in coming forward to report the abuse.

In stark contrast, however, our city's largest law enforcement agency, the New York City Police Department, has been slow to set up a mechanism for issuing U visa certifications. In fact, since federal regulations for the U visa were issued in September of 2007, the NYPD has, to our knowledge, issued just one certification in all of New York City, leaving immigrants whose attackers could not be arrested—generally because they elude arrest— or those who jumped bail, at risk of deportation and continued violence.

Despite the fact that the NYPD proudly promotes New York City's own Executive Order 41, it has stood in the way of Congress' intent in creating the U visa as a law enforcement tool: to make all victims feel they can safely report criminal activities, thereby allowing police, prosecutors, judges, child protective services and other agencies charged with investigating these activities to better protect the entire public. Police departments in other large cities such as Los Angeles, Chicago, and San Francisco have been signing U visa certifications for the many victims that have sought their assistance. While we commend the NYPD's commitment to combating domestic violence and to protecting immigrant victims and witnesses to crimes, we remain puzzled and frustrated that our great city's own police department is not on the list of those actively assisting immigrant victims of domestic violence to obtain relief under our federal laws.

Currently, Sanctuary for Families has seven requests for U visa certifications pending with the NYPD, two of which we submitted nearly a year ago. The NYPD's current written policy is onerous, designates Commissioner Ray Kelly as the only person in the entire NYPD permitted to sign off on U visa certifications, and applies the wrong legal standard for issuing certifications (focusing on whether or not the victim suffered "substantial harm" as opposed to whether or not the victim cooperated).

Sanctuary for Families, along with several other agencies testifying before you today, has twice met with representatives from the NYPD's Domestic Violence and Legal Units to discuss the current policy and to highlight the protracted suffering of our clients. Lacking immigration status, some of these clients and their children were discharged from domestic violence shelters and are moving from apartment to apartment. Others saw no other option than to reconcile with their abusers. All of them have been discouraged by the NYPD's

inaction; not only were their abusers not arrested and allowed to remain at large, the very system in place to protect them is unresponsive to their needs. The following poignant case illustrates the hardships faced by these clients.

Maria is a mother of four from Mexico. For a period of over 19 years, she suffered severe physical, sexual and emotional abuse at the hands of their father. Fearful of her abuser, a man she knows to be involved in gang activities in the Bronx and who used weapons against her, Maria first reported his abuse to the police in 2008. By then she had obtained a 2-year order of protection from Bronx Family Court. Maria called the police on at least 4 occasions in 2008 and 2009. All incidents she reported clearly constituted violations of the order of protection she had against him. In fact, police officers from the 49th precinct in the Bronx responded to each incident, established that the abuser had violated an order of protection, found him at the apartment, but never arrested him. At least two opportunities to arrest the abuser passed, severely jeopardizing the safety of Maria and her children, as the police's inaction only reinforced her abuser's conviction to be above the law. Maria eventually took matters into her own hands and moved into shelter with her children. Though Maria and her 19-year old son are eligible for U visa status, they remain undocumented because the NYPD, the only law enforcement agency involved in this case, has not issued the required U visa certification.

This is just one example of several compelling cases we have put before the NYPD. The NYPD can no longer stand in the way of victims of domestic violence who are eligible for a U visa and must revise their current protocol and create a centralized and efficient system for reviewing and issuing these certifications.

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 purchase sex from 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 statewide, and there has been a dearth of arrests, prosecutions, and convictions. Instead, law enforcement officers continue to arrest potential trafficking victims for prostitution while ignoring those who prey on them: buyers, 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 clearly committing 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 statewide, 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 the NYPD developed a comprehensive and effective strategy for fighting domestic violence, the NYPD must develop a comprehensive strategy for fighting sex and labor trafficking, as well as the commercial sexual exploitation of children. 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 buyers, 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 purchasing, harassing, assaulting, and exploiting women, men, and children in prostitution.

When our Mexican client Lidia walked into a police precinct in Queens a few months ago, she had been forced to work in prostitution for over two years. Trafficked into the United States by a highly organized criminal network, she was forced to work in brothels in Queens, Long Island, and North Carolina, serving an average of 20 men a day in forced sexual acts. Walking into the precinct that day, she was covered in bruises, and identified her boyfriend as perpetrator. As no Spanish speaking officer was available and the NYPD failed to use translation services through Language Line, Lidia was not asked any further questions. As a result, the officers never learned that Lidia's boyfriend was in fact her trafficker and pimp. Arrested on lesser domestic violence charges, her trafficker and pimp was released shortly thereafter and, now tipped off to the fact that Lidia had disclosed his identity, he fled. Had the right questions been asked when Lidia first connected with law enforcement, her trafficker would most likely have been arrested on the much more serious trafficking and prostitution charges as well, and he would not have been released so easily. By highlighting Lidia's case today, I conclude by urging the NYPD to dedicate more resources to train its officers in the area of human trafficking and to equip them with screening tools to effectively respond to this inhumane practice that continues to plague our city.

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.

NYDailyNews.com

DAILY NEWS

NYPD bureaucracy thwarts U-Visa law giving immigrant vic help prosecutors

BY Heidi Evans

DAILY NEWS STAFF WRITER

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Frustrated advocates say the NYPD is thwarting a federal law designed to encourage immigrant crim attackers.

Under the law, which went into full effect in 2007, the victims of vicious crimes can apply for a special enforcement go after the perpetrator.

The visa allows victims to get lawful immigration status - and come out of the shadows - even if they

In New York, the agencies that can certify a crime happened and the victim cooperated are the district judges, the Administration for Children's Services and the NYPD. Once the certificate is issued, U.S. and approve or deny the U-Visa.

The city's DAs have each appointed one or two lawyers to review each case and make a decision in

But lawyers complain the NYPD has set up an unwieldy 20-step process - a bureaucratic nightmare chains of command even before hitting Police Commissioner Raymond Kelly's desk for his approval.

They say the department has approved only one certificate in two years and barely has a system in place

"It's incredibly frustrating," said Carmen Rey, a lawyer for Sanctuary For Families.

Rey said her organization and several others have gotten swift approval for about 800 immigrant crim past two years.

The groups have 20 requests pending with the NYPD - some of which have been there for nearly a year

The Police Department said on Friday it had processed 13 of the 20, but Rey said that was news to her

"Without that certification, deserving victims have no way to apply for a U-Visa from federal immigration though they meet all of the qualifications," Rey said. "The bureaucracy the NYPD has created makes person to handle these requests? The way it is now, no one is in charge."

Advocates plan to bring the issue up at a City Council hearing on a related issue on Tuesday.

Numbers were not available for certifications done by judges and ACS. But advocates say the NYPD

"For crimes that don't get solved, and there is only a police report, the NYPD is turning a blind eye to Manhattan firm Bretz & Coven.

Qui said it has been two months since he contacted the NYPD to certify that an elderly client was m

shopping in 2001.

The Russian woman, who overstayed her visa in 2000 to be with her son, suffered broken ribs and a broken bed, describing her attackers in detail.

Qui said he never heard back from the police about the U-Visa certification.

The ailing woman, now 81, has since had a stroke. She is terrified her Medicaid could end at any time.

"Nobody in the precinct knew what I was talking about when I said 'U-Visa,'" added Qui. "I even left a liaison listed on their Web site. I've heard nothing."

Many of the immigrants applying for U-Visas were victims of domestic violence.

The NYPD's Chief of Domestic Violence Kathy Ryan said the U-Visa certification process is more complex than with some crimes going back to 1992.

Ryan said she has assigned a point person to keep her apprised of the requests.

"We have revised the internal order a bit to streamline the process and word has gotten out to get the commissioner is personally interested in this. He looks at all the approvals and denials."

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VAWA TESTIMONY

Re: How Does the Violence Against Women Act Impact Services for Immigrant Women in NYC?

This written testimony is being submitted by the New York Asian Women's Center, a non-profit organization that helps battered women overcome violence and govern their own lives free of abuse. The Center also works to raise public awareness about domestic violence, advocate for the rights of battered women, and create an agenda for social change. Thank you for the opportunity to present testimony regarding the impact of the Violence Against Women Act (VAWA) on services for immigrant women in New York City.

The New York Asian Women's Center is the largest Asian American domestic violence agency in the country and one of the largest minority-led, minority-governed agencies in New York State. We are also one of the few pan-Asian agencies serving human trafficking victims in the nation. Last year, we fielded 3,000 hotline calls, counseled over 500 women and children and housed 100 survivors in our residences. We are a city-wide agency and receive calls throughout America and even from Asian countries. Our 50 plus staff collectively speak 18 Asian languages and dialects.

SUMMARY

Nearly one in three adult women experiences at least one physical assault by a partner during adulthood. The Asian & Pacific Islander Institute on Domestic Violence reports that 41-60% of Asian and Pacific Islander women reported experiencing domestic violence during their lifetime. Of the thousands of human trafficking survivors victimized in New York City each year it is estimated that 40 to 65% are Asian women.

Since it was passed in 1994, VAWA has been instrumental in helping battered immigrant women in New York City overcome domestic violence (DV). To the clients served by the NYAWC, the significance of VAWA is two-fold: (1) It grants victims of DV the right to self-petition for a green card and (2) provides funds to our organization so it can continue to provide legal, psychological, employment, housing and educational resources to victims of DV.

Prior to the Violence Against Women Act (VAWA) (P.L. 103-322, 108 Stat. 1902), enacted in 1994, federal laws did not provide a recourse for immigrant women who were victims of domestic abuse. A critical provision the VAWA grants battered women is the right to self-petition for residency, as opposed to relying on sponsorship from her abuser. By removing the abuser's control, victims of DV are freed from the fear of deportation and can obtain legal status independently.

The VAWA corrects the loopholes present in U.S. immigration laws by providing exemptions for domestic violence victims from 'voluntary deportation'; protecting children victims of DV without requiring evidence of "extreme hardship," and ensuring amnesty for trafficking victims. Under VAWA, children who are victims of DV are granted legal protection past the age of 21. The VAWA funds legal services for immigrant victims who otherwise would have no financial means of obtaining counsel or receiving public benefits which require residency status. In the NYAWC, 8 out of 10 cases find approval for a green card under the VAWA.

A SUCCESS STORY

For Ms. S, the abuse began in 2005, shortly after she became pregnant with her husband's child. Instead of embracing her pregnancy, her husband accused her of having an affair and started a campaign of steady verbal, emotional and financial abuse. He demanded that she return to Hong Kong (he had sponsored her and her teenage daughter, from a previous marriage, to come to the U.S.) and cut off financial support from her, until she had to sell her jewelry to feed herself and her daughter. After she turned him down for sex one night, he became enraged and ordered her out of the house.

In July 2005, unable to stand the abuse any longer, she called the NYAWC's hotline requesting assistance and temporary shelter for herself and her daughter. She was five months pregnant and her husband's provocations left her depressed, frightened and physically ill. During her stay at a NYAWC's shelter, our staff gave her extensive emotional counseling while helping her apply for public assistance and housing through Housing Stability Plus (HSP). In November 2005, with an NYAWC counselor by her side, she gave birth to a healthy boy. Two months later, she was well enough to move out of the shelter into HSP housing that NYAWC staff helped her secure.

In frail health and with a newborn to care for, Ms. S was unable to work and required continued support from NYAWC. Our staff helped her recertify for public assistance and apply for child support. The NYAWC also connected her with the Legal Aid Society (LAS) and, acting as a translator and advocate, helped her to petition for Permanent Residency for herself and her daughter under the VAWA. The NYAWC also provided Ms. S with emergency advocacy to resolve a housing issue. Acting as a translator, the

NYAWC helped Ms. S secure her home and take civil action against her landlord's guerilla tactics.

These services were crucial to ensure that Ms. S had a safe and healthy home in which to raise her children. Along the way, the NYAWC has encouraged her to become more independent. While she is still too ill to work, she has made significant strides following up on her PA, housing and VAWA cases on her own and, today, is much less reliant on the NYAWC's translation services.

This month, after a long process, Ms. S received her and her daughter's green cards. This is a significant victory for Ms. S as her daughter is now able to apply for financial aid for college. Furthermore, Ms. S can finally initiate divorce proceedings against her husband. The NYAWC, working with the LAS, is currently assisting her with the divorce process and helping her to understand visitation and custody rights. She has come a long way from the woman who had to pawn her wedding ring for food.

RECOMMENDATIONS:

For VAWA to efficiently serve petitioners, we ask that the authorization process through the US Citizenship and Immigration Services (USCIS) be expedited through increased funding for free legal services and a reduction of USCIS backlog.

We recommend that New York City increase its advocacy and funding for VAWA. Although immigration benefits are available to trafficking victims, benefits like the T visa are granted on the condition that the victim cooperates in the prosecution of the human trafficker. This further victimizes the victim. Additionally, funding for services, especially emergency and longer-term shelter for human trafficking victims, is nearly non-existent.

Thank you for spotlighting this topic and welcoming our recommendations.

Testimony of
Safe Horizon, Inc.

**“How Does the Violence Against Women Act Impact
Services for Immigrant Women in New York City?”**

Women’s Issues Committee
Hon. Julissa Ferreras, Chair

Immigration Committee
Hon. Daniel Dromm, Chair

New York City Council

March 23, 2010

Introduction

Thank you, Chairwoman Ferreras, Chairman Dromm, and members of the Committees, for the opportunity to testify before you today on the impact of VAWA on immigrant women in New York City. My name is Bitta Mostofi, and I am a staff attorney for Safe Horizon's Immigration Law Project. Safe Horizon is 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.

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. I would like to share with you the nature of our work, the population we serve and our recommendations for how to improve the Violence Against Women Act to help our clients.

Background

Safe Horizon has a great deal of experience providing services to immigrant victims of crime. Since 1987, our **Immigration Law Project (ILP)**, where I work, provides free and low-cost services to victims of crime, torture and abuse in immigration proceedings. With help from the New York City Council, the Department of Youth and Community Development and the Department of Justice, ILP offers direct legal assistance to over 2,000 clients each year in all areas of immigration law, including VAWA I-360 self-petitions, 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 in deportation proceedings of aliens who are subject to removal from the United States.

While our office strives to see everyone who comes in our door, our limited funding and overwhelming work load prevents us from doing so. Currently we have 3 case workers handling all of our 2,000 cases. Due to loss of funding we have been without a staff member for over a year. We have over 400 U visa cases alone with 235 approvals. Those now approved require additional services because many are eligible for residency or will become eligible soon. Moreover, since the issuance of U visa regulations in September 2007, we have already been faced with 205 requests for additional evidence. 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 in previous years, we are forced to limit intake of new clients from 10 per week to 8 per month. This means we turn away approximately 5 new victims of crime each day. Some of these clients either called us or walked into our office who self-identify as immigrants with domestic violence issues, something that takes enormous courage to do. Additionally, the model of our agency is such that we strive to provide a more holistic and immediate response to our client's needs through inter-agency

referrals to our shelters, caseworkers, counselors, and in office provider of legal services. In the past this has allowed us to attend to and complete cases in a more timely and efficient manner. When we are unable to attend to clients we give everyone 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.

Also, as more social service providers and law enforcement agencies learn that there is a viable legal remedy for immigrant victims of crime, more referrals are coming into our office. While we are genuinely pleased about this increase in community awareness, it also places a strain on our resources. 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. We hope this funding can be fully restored in the year ahead.

Case Story

Just yesterday I received a VAWA I-360 self-petition approval notice for a client that is currently in deportation proceedings. While advocating on her behalf before the court we were

able to file the petition, obtain work authorization and allow our client to work and file her taxes throughout the pendency of her case. My client suffered nearly 9 years of abuse from her U.S. citizen spouse. She was the primary financial supporter in the household; she filed her income tax returns, and was threatened severely by her spouse when she finally called the police. After coming to our office she began counseling and we were able to get the deportation case in court, adjourned until her VAWA petition was adjudicated. Now, with the approval notice we are filing the residency application and will seek closure of the deportation case.

Recommendations

We would like to reiterate and emphasize the concerns expressed by our colleagues today about U visa certifications from law enforcement. We hope that City Council will actively encourage law enforcement to implement U Visa certification protocols that actually comport with federal regulations. Moreover, these agencies should provide certifications within a reasonable time from the initial request.

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

Testimony by The Legal Aid Society before the Sub-Committees on Immigration and Women's Issues on How the Violence Against Women Act Impacts Services for Immigrant Women in New York City

March 23, 2010

Interest and Expertise of the Legal Aid Society

The Legal Aid Society is the oldest and largest provider of legal assistance to low income families and individuals in the United States. Annually, the Society handles some 300,000 cases and legal matters for clients in all five boroughs of the City, including more than 32,000 civil legal matters. The Society's Civil Practice operates 14 neighborhood offices and City-wide units to assist residents of all five boroughs, providing comprehensive legal assistance in housing, public assistance, immigration, family law and other civil areas of primary concern to low income New Yorkers. The Society's City-wide Family Law Practice includes a Domestic Violence Project that 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 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 advocates throughout the area providing representation and advocacy on immigration options for domestic violence survivors. The Society's Domestic Violence Immigration Program 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 and Women's Issues regarding how the Violence Against Women Act impacts services for immigrant women in New York City. We would like to focus your attention today on the obstacles faced by battered immigrant victims who are among the most marginalized New Yorkers. They face physical battery and emotional abuse compounded by a constant fear of deportation, loss or lack of necessary public benefits, and/or eviction.

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

In 1994, Congress enacted the Violence Against Women Actⁱ (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.ⁱⁱ 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.ⁱⁱⁱ 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.^{iv}

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),^v 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.^{vi} 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.^{vii} 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.

New York City U Visa Certification Policies and Pitfalls for Undocumented Survivors of Domestic Violence and Sexual Assault

After the issuance of the September 2007 U Visa federal regulations, the District Attorney's Offices in each of the five boroughs designated signatories of U visa certifications for domestic violence and other victims. The District Attorney's Offices have remained dedicated to positively handling a large volume of U visa certification requests in an efficient and timely manner. The Administration for Children's Services has also delineated its process for obtaining

U visa certifications. New York City criminal court judges have issued U visa certifications and the Honorable Edwina G. Richardson-Mendelson, Administrative Judge for the Family Court of the City of New York, has expressed a commitment to family court judges issuing U visa certifications. The NYPD, unlike other New York City agencies, has not embraced and implemented this significant law enforcement tool.

At the June 2009 City Council Hearing on "How New York City Can Better Address Sexual Assault and Domestic Violence against Immigrant Women," The Legal Aid Society and other non-profit domestic violence immigration service providers raised as an issue the NYPD's failure to publicize its U visa certification protocol. We also expressed great concern that the NYPD had yet to sign any of the outstanding U visa certification requests that were pending since the Spring of 2009. We recommended that the NYPD provide certifications where they have been actively involved in the investigation of a qualifying crime. There are numerous circumstances where the NYPD is the only agency capable of certifying, including but not limited to situations where a perpetrator may have never been arrested because he absconded the State or country, or there is no prosecution because the perpetrator committed suicide after committing the crime, etc. Additionally, 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.

In July 2009, the NYPD made public their U visa certification protocol, Operations Order 10, issued on February 9, 2009. We recognize the protocol as a critical step in the NYPD's commitment to protecting immigrant victims of crimes, particularly those of domestic violence, who are often reluctant to seek police assistance for fear of deportation. However, the protocol included numerous provisions that are not prescribed under the federal regulations and impede the right of victims to avail themselves of this federal immigrant benefit.

The NYPD U visa certification protocol as written conflates the general U visa eligibility requirements and the criteria for issuing a law enforcement certification. The federal regulations clearly state that the role of a certifying agency is to confirm that the victim has been helpful in the investigation of the qualifying criminal activity. The federal regulations explicitly omit from the U visa certification criteria a provision that the certifying agency affirm whether the victim suffered substantial emotional or physical harm. Yet, in its protocol, the NYPD requires that the only designated certifying official, Commission Raymond Kelly, make a determination regarding whether the victim suffered substantial harm. This is a determination that rests solely with the United States Customs and Immigration Service. The U visa certification is one piece of a comprehensive application that is presented to USCIS to demonstrate a victim's eligibility. For many victims, the criminal activity investigated is part of a longer history of domestic violence. The qualifying emotional and physical harm suffered is contextualized in the larger picture of the victim's experiences and supported by letters from therapists, counselors, and/or domestic violence service providers. This information is often outside the purview of the NYPD's interaction with the victim. Consequently, the substantial harm requirement could lead to

inappropriate U visa certification request denials by the NYPD where the victim is otherwise eligible.

In November 2009, we raised our concerns with the NYPD regarding its U visa certification protocol and urged the appropriate NYPD representatives to contact key officials at USCIS for further guidance. To our knowledge, the protocol has not been revised. If revised and implemented correctly, the protocol can serve as a strong law enforcement tool that will bolster the NYPD's ability to protect immigrant crime victims while furthering the spirit of New York City's Executive Order 41.

Finally, timely issuance of a U visa certification is imperative for undocumented survivors of domestic violence. The NYPD, to our knowledge, has only issued one U visa certification despite many requests pending since the Spring of 2009. This lone certification took eight months to be issued and numerous follow-up inquiries. Such a delay severely disadvantages immigrant victims who cannot apply for a U visa without the requisite certification, access public benefits or housing programs, or secure employment authorization.

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 implement U visa certification protocols that comport with the federal

regulations and can insist that these agencies provide certifications within reasonable time frames.

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 who 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.

The State Office of Temporary and Disability Assistance'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, 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 USCIS 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 have been 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

was created by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008.^{viii}

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 relocate people out of shelter into 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.

How The Violence Against Women Act Impacts Housing Options for Survivors of Domestic Violence in New York City

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.

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 Human Resources Administration 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 Department of Homeless Services Prevention Assistance and Temporary Housing (Path) and was eventually placed in 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 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

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 who 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 support network is in California. Desperate and without hope, she even considered taking a bus to the West Coast and risk detention by the Immigration and Customs Enforcement (ICE) agency because her housing options here 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 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.

Difficulties remaining in federally-subsidized housing for domestic violence victims

For those immigrant battered victims of domestic violence fortunate enough to obtain federally-subsidized housing, such as Section 8 housing or NYCHA, remaining in their homes sometimes may feel like a seemingly insurmountable task.

Brief summary of the relevant VAWA provisions pertaining to federally-subsidized housing

The Violence Against Women Act has special provisions designed to protect survivors of domestic violence who have Section 8 vouchers,^{ix} live in project-based Section 8 housing,^x or reside in public housing,^{xi} such as NYCHA. Essentially, VAWA protects survivors of domestic violence from being evicted for their batterers' unlawful behavior. It also compels federally-subsidized landlords to obey orders of protection, including orders requiring the batterer to "stay away" from the property.^{xii}

In an effort to keep the victim of the domestic violence in the subsidized unit, VAWA permits landlords to "bifurcate" leases, which creates one lease in the victim's name and another lease in the batterer's name. Landlords may then choose to commence eviction proceedings as against the batterer only. Finally, NYCHA and federally-subsidized landlords must allow appropriate emergency transfers for domestic violence victims to make certain that the victims remain as safe as possible.

Illustrative Example: Fatoumata H. came to the United States from Ghana seeking asylum. She obtained her green card and now lives in NYCHA housing.

Her husband has subjected her to extreme domestic violence, including burning her, beating her, and sexually assaulting her. Fatoumata H. filed for and received a temporary order of protection from Family Court, excluding her husband from the NYCHA residence. Shortly after receiving her first temporary order of protection, she filed for divorce and custody of her children, who reside with her in NYCHA housing. After her husband's exclusion from the household, Fatoumata H. applied for public assistance for herself and for her children, and she promptly reported the change in her household composition and income to NYCHA.

During the pendency of her divorce, order of protection, and custody cases, Fatoumata H. repeatedly informed NYCHA of her status as a survivor of domestic violence, and she regularly provided NYCHA with copies of her temporary orders of protection, while waiting for her trial on the issue. Fatoumata H. also completed the correct United States Department of Housing and Urban Development form to report officially her status as a survivor of domestic violence to NYCHA, and she provided management with a letter from an agency regarding her domestic violence.

Nevertheless, at her required annual recertification, NYCHA required Fatoumata H. to have her batterer come to the project grounds and sign a new lease as head of household and to include his income in the calculation of her monthly share of her rent. Requiring her batterer to come to the project grounds endangers Fatoumata H.'s safety and potentially subjects the batterer to criminal charges for violating the order of protection's mandate to stay away from the marital residence. In addition, Fatoumata H. may have to face a nonpayment proceeding in Housing Court, because

her share of her monthly rent is based on her husband's income and Fatoumata H.'s only source of the income currently is public assistance.

Remedy: In addition to rigorous in-house training and education, NYCHA and all other agencies administering Section 8 locally, such as the Department of Housing Preservation and Development and the Division of Housing and Community Renewal, should have domestic violence liaisons available to assist not only the survivors of domestic violence and their advocates but also well-meaning landlords who are trying to comply with the myriad latticework of protections available to survivors of domestic violence. The Human Resources Administration already has domestic violence liaisons available in every job center in the City to assist persons applying for or receiving public assistance who identify as victims of domestic violence.

Conclusion

Thank you for this opportunity to provide the Council with information about these matters. We welcome any questions which you may have.

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

ⁱⁱ 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.

ⁱⁱⁱ INA §216(c).

^{iv} INA §216(c)(4).

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

^{vi} 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").

^{vii} INA §214(p)(2)(A); 8CFR §214.12(d)(1).

^{viii} William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 [United States of America], Public Law 110-457.

^{ix} 42 U.S.C. § 1437f(o).

^x 42 U.S.C. §§ 1437f(c) & (d).

^{xi} 42 U.S.C. § 1437d.

^{xii} 42 U.S.C. § 1437d(l)(6)(C); 42 U.S.C. §§ 1437f(c)(9)(C)(iii) and (d)(1)(B)(iii)(III); 42 U.S.C. §§ 1437f(o)(7)(D)(iii) and (o)(20)(D)(ii).



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**Written Testimony of Suzanne Tomatore
Director of the Immigrant Women & Children Project
City Bar Justice Center on**

**“How Does the Violence Against Women Act Impact Services for
Immigrant Women in New York City?”**

**Before the Committee on Immigration and the Committee on
Women’s Issues of The New York City Council**

Tuesday, March 23rd, 2010

**Written Testimony of Suzanne Tomatore
Director of the Immigrant Women & Children Project
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**“How Does the Violence Against Women Act Impact Services for Immigrant
Women in New York City?”**

**Before the Committee on Immigration and the Committee on Women’s Issues of
The New York City Council**

Tuesday, March 23rd, 2010

Thank you for the opportunity to submit this written testimony on how New York City can better address sexual and domestic violence against immigrant women. My name is Suzanne Tomatore and I am the Director of the Immigrant Women & Children Project at The City Bar Justice Center. The Justice Center is part of the Association of the Bar of the City of New York Fund, Inc., (“City Bar Fund”), the 501(c) (3) public service affiliate of the City Bar. Our mission is to leverage the resources of the New York City legal community to increase access to justice. The Justice Center assists more than 25,000 clients a year, approximately half of whom are helped with advice, brief services and/or tailored referrals through a free civil legal hotline. For the past several years, the City Council has provided support towards our Immigration Projects with a goal of helping immigrants to naturalize. We thank the City Council for all its support which has greatly aided our efforts to provide assistance to immigrant clients.

One of our projects is the Immigrant Women & Children Project (“IWC”), which assists survivors of violent crimes, including domestic violence, human trafficking, and sexual assault, in applying for immigration relief. This immigration relief is typically under the

Violence Against Women Act (“VAWA”), and includes U and T visas. The U visa is for survivors of violent crimes and the T visa is for survivors of human trafficking. Over the last few years we have represented more than a hundred U matters.

Today I would like to discuss with you how the City of New York can create better access to this special immigration relief, particularly the U and T visas, by assisting the New York City Police Department (“NYPD”) in training and setting up guidelines for certification for these visas. By facilitating this process, the City of New York can ensure that immigrant women who are victims of violent crimes, including domestic violence and sexual assault, feel comfortable reporting their crimes to the police regardless of their immigration status. This would ensure safety not just for immigrant women, but for all New Yorkers.

The City Bar Justice Center has been collaborating with leading legal service providers, victims of domestic violence, and victims of other crimes against immigrants and youth throughout New York City on setting up policies and training various local law enforcement personnel on U and T visas. For many individuals, the U or T visa is their only form of immigration relief and, although the law establishing these visas was passed in 2000, these visas are relatively new as regulations were not implemented until recently. Over the past few years, we have developed working relationships with the Administration for Children’s Services, the District Attorney’s offices, and the U.S. Attorney’s offices. We applaud these agencies for being helpful to our clients and for cooperating with requests to sign law enforcement certifications, which are required for

adjudication of these applications. We have requested that the NYPD improve its process to provide certification to U visa applicants who have assisted the police with investigations of criminal activities and hope that this written testimony will encourage the City Council to work with NYPD to facilitate this.

Description of the U Visa

U visas are available to certain non-citizens who report and cooperate in the investigation or prosecution of qualifying criminal acts committed against them or their children. Some of the qualifying criminal activities listed in the regulations include domestic violence, rape, manslaughter, criminal restraint, incest, sexual assault, abusive sexual contact, kidnapping, and abduction—all of which are criminal activities that the NYPD regularly investigates.

The purpose of the U visa was to create a new nonimmigrant visa classification that would strengthen the ability of law enforcement agencies to detect, investigate and prosecute crimes committed against aliens, while offering protection to the victims of such offenses in keeping with the humanitarian interests of the United States.

The Role of the NYPD as a Certifying Agency

Under the regulations, an immigrant crime victim must submit a Form I-918 when applying for the U visa. Form I-918 includes Supplement B “U Non-Immigrant Status Certification.” This form is signed by a certifying official at a government law enforcement body and establishes that the applicant has in fact been helpful in the

investigation or prosecution of the qualifying criminal activity.¹ The certifying official can be either the head of the agency or someone who has been designated by the head of the agency to issue such certifications.

A certifying agency responsible for completing Form I-918 Supplement B is defined as a government agency “that has responsibility for the detection, investigation, prosecution, conviction or sentencing of [the] qualifying criminal activity.” 8 CFR §214.14(a)(2), *added* 72 Fed Reg. 53037 (Sept. 17, 2007). The NYPD, as a local law enforcement agency with the responsibility for investigating crimes and making findings of prohibited criminal activities, clearly qualifies as an agency authorized to sign certifications for U visa applicants. Once it certifies a case, it can then refer that case for prosecution.²

We understand that, at this time, only the Police Commissioner is authorized to sign such certifications and, to our knowledge, only one has been signed. We believe that having only one extremely busy signatory from the NYPD is insufficient and urge the Department to designate additional certifying agents. It is our understanding that the NYPD does not see the need to designate additional agents, partly because the District Attorney’s Office is also signing certifications.

¹ Please note that certification does not bestow U Visa status upon the applicant as that determination is left to the U.S. Citizenship & Immigration Service (“USCIS”). Certification is required, however, as the USCIS will not consider any U Visa application if it does not include this form.

² The Preamble to the regulations specifically addresses the fact that the term “investigation or prosecution” was meant to include the *detection* of qualifying criminal activity. In other words, it is not necessary that a crime be prosecuted.

However, it is important for the NYPD to sign these certifications and not rely solely on the cooperation from the District Attorney's Office as not all crimes are prosecuted. Consider the following example: Ms. D and her oldest daughter, Anita, were both victims of a shooting at the hands of Ms. D's former intimate partner, Mr. P. He shot Ms. D, Anita, and Ms. D's son, Daniel. Daniel was fatally shot, while Ms. D and Anita survived. After this shooting, Mr. P committed suicide. The District Attorney's Office obviously did not prosecute the crime, as the perpetrator was deceased. Ms. D and Anita, however, provided useful information to the police in the investigation of the crimes that were committed. In this instance, only the police department could act as the certifying agency.

Therefore, we urge that authority be granted to multiple NYPD officials to sign Form I-918 Supplement B. We recommend that the NYPD designate at least one officer at each precinct, as those working in local communities will best be able to ascertain an immigrant's helpfulness with a criminal investigation. Also, because many of the crimes listed in the regulations involve domestic violence, we also recommend that the Chief of the Domestic Violence Unit be granted authority.

In collaboration with other legal service providers, we have met with Chief Kathy Ryan and various other representatives of the NYPD to discuss a more effective and improved process. While we were assured by Chief Ryan that the NYPD was working on streamlining its process, we still are unclear of how to submit certifications, what the review process is, and how to appeal a denial. To our knowledge, only verbal denials

have been given. We have offered training, support, and contacts at USCIS to the NYPD, but to date no trainings have taken place. We have also provided information on how other agencies have implemented the law, recommended additional job categories of who would qualify as authorized certifying agents and encouraged the NYPD to begin exercising this responsibility more effectively. We look forward to working with the NYPD on the execution and refinement of its policy on U visas and will continue to offer training and support.

The significance of the NYPD's cooperation with the U visa cannot be underestimated. By encouraging immigrants to cooperate with law enforcement and report incidents of crimes such as domestic violence, sexual abuse, kidnapping, manslaughter and other serious crimes, the U visa serves as an important tool in the NYPD's efforts to protect the safety of all New Yorkers. By signing U visa certifications, the NYPD will be more equipped to investigate serious crimes and protect crime victims.

It is also essential that the NYPD provide training on the U visa to its officers and staff. By having this information readily available, as well as referrals to legal service organizations, the NYPD and New York City can better address the needs of immigrant women who are survivors of domestic violence and sexual assault. Our agency and others continue to be available to assist with training.

We urge the New York City Council to work with the NYPD in the facilitation of polices on the U and T visas. We are available to further discuss your questions and concerns and

look forward to working with the NYPD on the implementation of this critical immigration remedy for victims of criminal activity. Thank you for your time. I can be reached by telephone at (212) 382-6717, by fax at (212) 354-7438, or by email at stomatore@nycbar.org if you have any additional questions.



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Testimony of Awali Samara
The Arab American Family Support Center
New York City Council

“Oversight: How does the Violence Against Women Act Impact Services for Immigrant Women in New York City?”

March 23, 2010

Thank you, New York City council members, for the opportunity to speak with you today. My name is Awali Samara, and I am the Outreach Coordinator at Beit Amal, a program within the Arab American Family Support Center. The Arab American Family Support Center is a member of the ARISE Coalition, which was created to address the challenges that immigrant women face when they are the victim of domestic violence or sexual assault. I am here today to discuss how the Violence against Women Act has impacted the lives of Arab American and Immigrant women.

The Arab-American Family Support Center (AAFSC) is the first and largest organization in New York City dedicated to serving the Arab American community. We have extensive experience working with Arab American women who are victims of domestic violence and are uniquely positioned to provide these services in a manner which is sensitive to the linguistic, cultural and religious needs of these women. There was a need for culturally and linguistically specific services to address violence in the Arab American community. In February 2010, through funding provided by the U.S. Department of Justice, Office on Violence against Women, Beit Amal was created. Beit Amal, with the support of Tamkeen-a subsidiary of AAFSC, was created in order to provide comprehensive services to victims of domestic violence, sexual assault, teen dating violence and stalking in the Arab American community. Tamkeen is located at the Brooklyn Family Justice Center, allowing Arab Americans to access legal remedies in order to protect themselves from their abusers.

VAWA has provided more funding to states to ensure that batterer's are held accountable for the violence that they unleash on their partners. For immigrant women, it also provides them with the ability to break free from abusive relationships without the fear of lose of their immigration status or deportation, which could also mean losing their children. In the last four years, approximately 30 Arab American immigrant women, have



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been able to flee their abuser and create a safe and stable home for themselves and their children, which would not have occurred without VAWA.

Although a number of our clients have benefited by adjusting their immigration status under VAWA, stringent written requirements and lack of legal resources has hindered many other victims from benefiting from VAWA. Each year, approximately 25 victims of abuse come to AAFSC and Tamkeen seeking to acquire immigration status without the hindrance of their abusers and only 30% of them are able to adjust their status under VAWA. This is only a small percentage of Arab American victims of domestic violence seeking to adjust their immigration status. Many Arab immigrant women are too terrified to even call the police when a violent incident occurs because they think they themselves could be arrested or deported, which means they often lack the written documentation that is required to apply for relief under VAWA. In addition, many of the victims do not disclose the abuse to family or friends because of belief that they will shame their families, both immediate and extended, if they "air their dirty laundry" to the community.

Even if a victim has all the required written documentation needed to apply for an adjustment of status under VAWA, the lack of free legal representation remains an obstacle in their path of freedom from their abuser. There are free legal services for victims of domestic violence throughout New York, but only a small handful are able to provide victims with immigration services. With a large influx of immigrant victims of domestic violence and few lawyers, many victims are left either without representation or placed on an extremely long waiting list, not knowing where they stand and fearful of deportation.

Allowing organizations like AAFSC to speak on how VAWA impacts immigrant women is the first step towards ensuring that immigrant victims of domestic violence are provided with ample resources. In order to ensure available resources, we recommend funding be allocated to civil legal programs that can provide immigrant victims of domestic violence with immigration services. By providing funding to these programs, you would be ensuring that more immigrant women are provided with immigration services, under VAWA, that would ensure that they are safe and remain with their children.

In addition, to ensure that immigrant women are afforded the same rights and resources, it is imperative that community based organizations serving this population is included in the New York State Coalition against Domestic Violence. In order to gain membership of such a coalition, you must be a state funded program. A majority of the New York City members are mainstream organizations, who may not be community based and are unable to provide culturally and linguistically appropriate services, such as members of



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ARISE. ARISE members are located in communities in which immigrant women reside and are focused on ensuring that this underserved community is provided with appropriate services. Although our organizations may not be receiving state funding to provide domestic violence services, many of us are receiving funding from the Office of Violence Against women to provide services to victims of domestic violence.

Lastly, we recommend that the city allocate funds to organizations that are able to provide immigrant women with culturally and specific services to ensure that they can live safe and healthy lives. Members of the ARISE Coalition strive to provide underserved immigrant populations with culturally and linguistically specific services.

On a final note, we would like to thank New York city council members for allowing us the opportunity to discuss how VAWA has impacted the lives of immigrant women in New York City. We hope that you will take note of the recommendations that we have provided and will have an impact on the services afforded to immigrant victims of domestic violence in New York City.

My name is Nathaly Rubio-Torio, Founder and Executive Director of Voces Latinas, a non-profit organization in Queens targeting immigrant Latinas living with and at risk for HIV/AIDS who are experiencing violence. We are also a member of ARISE, and a recipient of the Dept of Justice Office on Violence Against Women's grant.

Among women, Latinas are the second highest group of new HIV diagnoses in NYC. (NYCDOHMH). Violence against a woman increases her chances of getting HIV as it compromises her immune system, increasing her risk for HIV infection. (*HIV & Violence Against Women Nat'l Conf 2009*). Forty five percent of physically abused women are physically forced into sex, raising their risk for HIV. (*HIV & Violence Against Women Nat'l Conf 2009*). Combine the issue of immigration with violence and her chances of HIV infection increase even higher. Not only are her chances of HIV greater, but the likelihood of her seeking services fall short.

When working with immigrant Latinas experiencing violence and living with HIV/AIDS we have resorted to the Violence Against Women's Act to assist our client permanent status. It's an option that exists for immigrant women that gives them back their dignity and their power that has been taken away by their batterers. It has given women another chance to a better life for them and their children. VAWA is an option for our community that needs to continue to exist.

Although VAWA has assisted many of the women we serve, we would like to make some recommendations to take into consideration in the re-authorization of the VAWA.

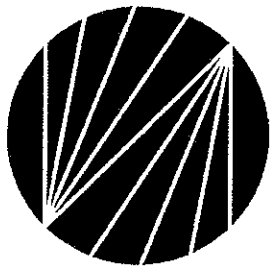
- Proof of abuse – women need to produce a number of documents to show proof of abuse such as police reports, letters from therapists, friends, anyone who has witnessed the abuse. Many times with the populations we serve, these documents are not readily available because of the fear they have toward their abuser and toward the system as a result of their immigration status. By the time they seek services is when the abuse has almost killed them or their children. It's a last resort. Women need assistance in this process.
- Reliving the trauma – women are required to tell their stories from the time the abuse began to the present moment. Although the importance of this is fully understood, it causes them to re-live the trauma of the abuse. They need support at their side when doing this, which many times they do not have, and as a result do not proceed with the process. It is much too painful to re-live. Depression, isolation, post traumatic disorder, etc. can set in and a need for mental health services is then required. This then becomes another barrier. Mental health services for undocumented are hard to find or cannot be afforded by our clients. VAWA needs to take this into consideration and offer mental health services as part of the service.

- Considering emotional, mental abuse not only physical – abuse is not only physical but emotional and mental. This kind of abuse is hard to prove unless one has been in therapy, which most of the time is not the case with our clients. Again, the need to include mental health services as part of the VAWA service.
- Need for advocates/support - to obtain the documentation needed to prove the abuse, one must go to the police and other organizations that often ask for ID, require metal detectors, or require one to sign in. This can be very scary for someone who is undocumented, is being abused, and does not speak the language. A recommendation would be to meet with the woman in the CBO that she's been receiving services and who she trusts.
- Overwhelming experience – Although VAWA is an option that saves many women who have been victims of violence, the process takes a toll on them and their children. With support and advocacy the process becomes doable and less overwhelming. Voces Latinas utilizes the promotoras that are the very same women that came in seeking services. When they are in a better place, they receive training around how to identify, outreach, and engage women who are experiencing violence so that they can offer resources such as the VAWA. The promotoras come from the same countries, speak their language, are of similar age and have been through similar experiences of abuse therefore making it easier to identify with the victims. Identification with the promotoras can help victims of violence get help faster. In addition, the promotoras act as a support system and advocate as they are available to go to the precinct, courts, etc. to obtain the documents needed for VAWA. More importantly, they are there to join them in a cup of coffee and to listen to them and provide support through the process.

I thank you for the opportunity to allow us to share our experiences with the VAWA and the women we serve. I would appreciate the time to meet with you at your district office to discuss this matter further. I can be reached at 718-593-4528. We are currently located at 43-22 50th St. Suite 2E, Woodside, NY 11377. In April we will be moving to 37-63 83rd Street, Jackson Heights, NY.

Best,

Nathaly Rubio-Torio, LMSW
Founder/Executive Director



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Testimony from the NYC Alliance Against Sexual Assault

Submitted to: New York City Council, March 23, 2010

Oversight Hearing: How does the Violence Against Women Act Impact Services for Immigrant Women in New York City?

Committees: Women's Issues; Immigration

Chairs: Julissa Ferreras, Daniel Dromm

Testimony

Good morning. My name is Meghan O'Connor. I am the Director of Programs at the NYC Alliance Against Sexual Assault. Thank you for hosting this hearing examining how the Violence Against Women Act impacts services for immigrant women in New York City. I am pleased to be here today to represent the Action Research for Immigrant Social Empowerment (ARISE) coalition. 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 in 2008. 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 are members of ARISE. Our coalition has offered a platform for small, community-based organizations to pool resources, share knowledge and collectively advance the rights and protection of immigrant women. We are also all grantees of the federal Department of Justice's Office of Violence Against Women funding for providing culturally competent services to victims of sexual and domestic violence. Thus, the re-authorization of the Violence Against Women Act is incredibly important to continuing our work.

A little less than a year ago, our coalition and many other advocates gathered in this same space to provide testimony on how NYC is addressing the needs of immigrant women who have been victimized by sexual and/or domestic violence. It is promising that the Women's Committee and the Immigration Committee, two of the co-chairs of last year's hearing, remain committed to examining the needs of immigrant women affected by violence. In addition to increasing funding for organizations to provide services to immigrant women, the Violence Against Women Act has expanded immigrant women's access to protection and justice, particularly in cases where women

are undocumented or are in the process of applying for citizenship. Notably, the Act acknowledges that immigrant status is often used as a tool for abusing and exploiting women and to keep such acts shrouded in silence. By providing protection for such women to report their cases to the police and prosecute them, regardless of their immigration status, service providers have been able to reach women who would have previously remained invisible. This continues to be one of the most important aspects of the VAWA for immigrant women.

The re-authorization of this act provides us with the opportunity to strengthen this valuable piece of legislation. My colleagues will provide testimony regarding specific successes and challenges of the implementation of the Violence Against Women Act as experienced in their own agencies and by their clients. I would like to highlight our collective recommendations to be considered during the re-authorization process:

- **Improve the law.** Reduce the documentation needed to show proof of abuse in order to be protected under VAWA. Currently, women are required to produce a number of documents to show proof of abuse such as police reports, letters from therapists, friends, or anyone who has witnessed the abuse. Many times with the populations we serve, these documents are not readily available. Furthermore, providing proof of mental and emotional abuse is difficult for most of our clients, but it is often the most common and life-threatening form of violence.
- **Training.** Allow and support immigrant women's organizations to be able to train New York City police officers, detectives, court personnel and attorneys, so that they can provide quality, compassionate services to respond to immigrant victims of domestic and sexual violence. These organizations are the most qualified to provide such training, but are often overlooked.
- **Resources.** Provide resources for developing a system of community-based advocates. Advocates can provide interpretation for immigrant victims, as well as guide and emotionally support them through the victims' services system.
- **Monitoring and Evaluation.** Invest in and develop a data collection system that allows the city to document the quantity and quality of services provided to immigrant women under VAWA.
- **Representation.** Ensure that women's community-based organizations are included in discussions and inform decision-making processes that will impact services for immigrant women. This hearing and the funding provided through the Office of Violence Against are important first steps in making sure that small organizations-- who are often most connected with the women that are the hardest to reach-- are not overlooked in developing policy and programming to address immigrant women's needs.

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.

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Name: Yolanda Jimenez

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I represent: Mayor's Office to Combat Domestic Violence

Address: _____

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Name: Marisol Armiga Legal Aid Society

Address: 953 Southern Blvd Bronx NY 10459

I represent: Legal Aid Society

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Name: Avidah Moussavian

Address: 24 Fifth Avenue #1129 NY NY 10011

I represent: Sanctuary For Families

Address: 110 Wall St. 11th Fl. NY, NY 10005

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Name: BITTA MOSTOFI

Address: _____

I represent: Safe Horizon Immigration Law Project

Address: 50 Court St, 8th Flr, Brooklyn, NY 11201

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Name: Xue Yi Zhen - (New York Asian)

Address: 39 Bowery, PMB375 Women's Center
New York, NY 10002

I represent: New York Asian

Address: Women's Center

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Name: ASMAA DONAHUE / ZEINAB EYBA

Address: SAUTI YETU CENTER FOR AFRICAN

I represent: WOMEN

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

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Name: Awali Samara

Address: ~~150 Court Street~~ Arab American

I represent: Arise Coalition Family Support Center

Address: 150 Court Street Brooklyn

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Name: Meghan O'Connor

Address: _____

I represent: ARISE Coalition / NYC Alliance Against

Address: 27 Christopher Street NY, NY Sexual Abuse

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Name: Rosaana Conforne

Address: _____

I represent: ARISE / SAKHI for South Asian Women

Address: _____

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Name: Bitni Roy

Address: _____

I represent: ARISE / Sakhi for South Asian Women

Address: _____

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(PLEASE PRINT)

Name: Nathaly Rubin-Tunio

Address: ARISE Coalition

I represent: Voces Latinas / ~~ARISE~~

Address: ~~ARISE~~ Queens, NY

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