

# Understanding Immigration Status and Suggestions for Practice

By Liz Zadnik & Enid Melendez



As of 2010, at least 6% of Pennsylvania's population identifies as Latin@<sup>1</sup> - around 24% of those individuals were born in another country and came to the United States (Pew Research Center, 2011). A majority of these individuals came from Mexico or the Caribbean and have established communities, businesses, and relationships to industries throughout the Commonwealth. Spanish is the language spoken at home for approximately 440,000 Pennsylvanians, and almost 200,000 reported they spoke English less than "very well" (U.S. Census Bureau, 2010).

Although sexual violence and other forms of gender-based violence is not reported in higher rates among immigrant Latin@s as compared to other groups or non-immigrants (Black et al., 2011; Cuevas & Sabina, 2010; Tjaden & Thoennes, 2000), it is important to keep in mind the unique realities faced by foreign-born residents and their families. This Technical Assistance Bulletin will present some important information on the dynamics of sexual violence within immigrant Latin@ communities and will offer some tips and tools for practitioners in the anti-sexual violence movement looking to strengthen or develop their services and outreach to these diverse and ever-growing communities.

## IMMIGRANT STATUS AND SEXUAL ASSAULT OR EXPLOITATION

Immigration status refers to a process where a person applies to the U.S. government for documentation and support to live in the country. There is an immigration process for others countries throughout the world. There are a variety of statuses, as well as various reasons why a person would apply to live in the U.S. (U.S. Department of State, n.d.; University of Berkeley, 2013):

### ■ Immigrant status

- Lawful permanent resident (LPR) and naturalization: Someone who has legal documentation and approval to live and work in the U.S. This person may refer to their “green card” that lists this information.
- Immediate Relative and Family-Sponsored: An immigrant can apply to be a permanent resident if their immediate family member is a U.S. citizen or a Legal Permanent Resident (someone who has been granted citizenship). This process is open to same-sex couples and their children, just as it is open to opposite-sex couples and their children.
- Employment-Based: To build the U.S. workforce, immigrants with a skills, advanced degree, investors, and those with knowledge that would benefit U.S. industries are allowed to apply for an employment-based status.

- **Non-immigrant status:** People come to the U.S. for many different reasons and at different times. For example, someone might come to go to school at a university or college, someone might need to work within the U.S. for a short period of time, or they want to visit for an extended period of time. People can only have one non-immigrant status visa at a time, but could apply for different visas to extend their stay.

Individuals who are able to get through the application and approval process are considered permanent residents; they are sometimes referred to as an immigrant.

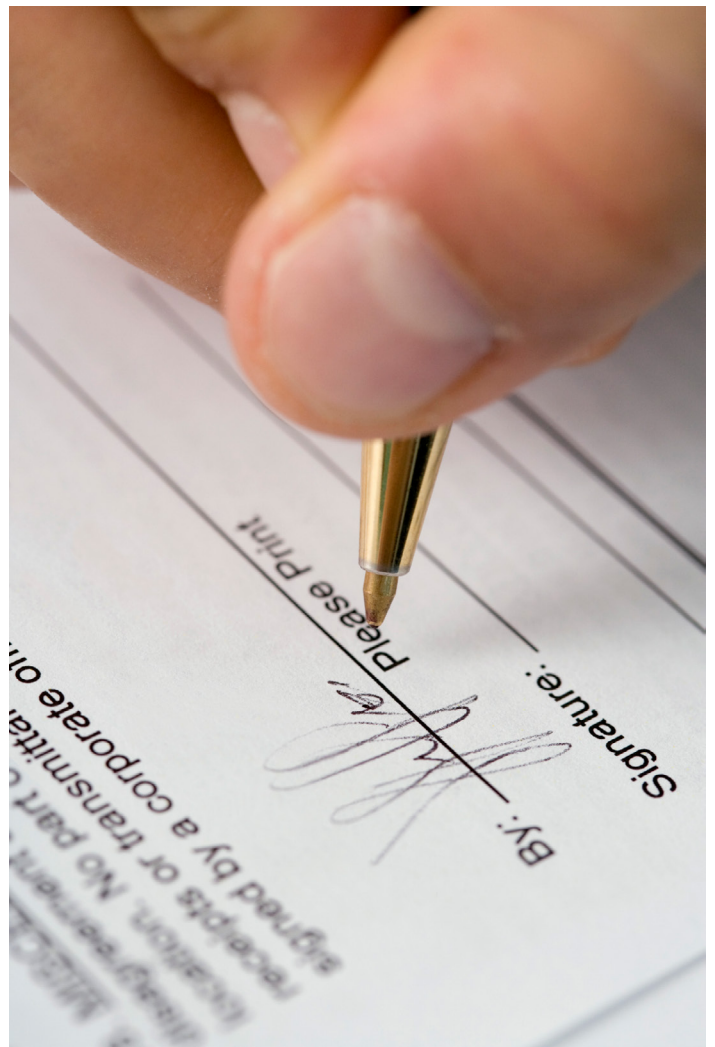
Undocumented immigrants are individuals who do not have the documents that come with one of the statuses outlined above. This could be for one of many reasons including a backlog of applications to be processed, they were brought here against their will, they were forced to leave their country of origin due to violence or persecution, or have overstayed a work or school VISA (Colorlines, 2010).

## SURVIVORS WHO ARE UNDOCUMENTED IMMIGRANTS

The dynamics of abuse and violence in undocumented immigrant women’s lives are complex. Perpetrators of violence manipulate and commit acts of violence due to the power – and perceived power – citizenship or a more stable status can bring them (Hass, Dutton, & Orloff, 2000; Menjivar & Salcido, 2002). Researchers have found that, primarily male, partners or acquaintances will use their citizenship status to manipulate or coerce. One study found immigrant-related abuse and threats, such as withholding petitioning for status or threatening disclosure to authorities, with physical and sexual abuse (Hass et al., 2000).

Undocumented immigrants experiencing intimate partner and/or sexual violence are often limited in their resources for coping. Language fluency limits options for employment and financial resources. Getting accustomed to a new environment and culture and access to support services within the community can also be challenging for individuals who do not feel confident in their language abilities (Chavez, Hubbell, Mishra, & Valdez, 1997; Dutton, Orloff, & Hass, 2000; Erez & Hartley, 2003; Menjivar & Salcido, 2002). Survivors of sexual violence who are undocumented immigrants may need assistance applying for various VISAs specific to survivors of sexual violence and gender-based violence. These resources are part of the Violence Against Women Act (VAWA).

1. Victims of Crimes and U-visas
  - a. Requires cooperation with law enforcement
  - b. Eligible for a permanent resident card (green card) after three years
  - c. Will automatically receive a work permit once U-visa has been approved
  
2. Victims of Trafficking and T-visas
  - a. Requires reasonable cooperation with law enforcement and investigations (Under 18 not required)
  - b. Eligible for benefits
    - Job training
    - Housing
    - Food Assistance
    - Medical
    - English Language training
  
3. Asylum
  - a. Legal protection afforded by the U.S. to a person who can demonstrate a “well-founded fear of persecution” based on:
    - Race
    - Religion
    - Nationality
    - Political opinion
    - Membership in a particular social group
  - b. Who is Eligible:
    - Refugees outside of U.S.
    - People who have entered the U.S. illegally



## MIGRANT WORKERS AND COMMUNITIES

Although some immigrants work as migrant workers, not every migrant worker is an immigrant. Migrant workers move from location to location – or from state to state – in order to work in various industries, such as farming, domestic work, or meatpacking. Migrant workers who are immigrant Latinas often experience sexual harassment due to physical isolation and the fact that these industries often intentionally recruit immigrant women based on social value or perceived helplessness (Cavacas, 1992; Waugh, 2010). These incidences of harassment often go unreported due to women being made unaware of policies or resources or – most commonly – a fear of the legal or political repercussions of reporting abuse or harassment.

## TIPS FOR SEXUAL ASSAULT CENTERS AND PRACTITIONERS

Sexual assault programs, community organizations, and individual advocates can have a big impact on bringing safe, quality, and respectful services to immigrant Latin@s. The process of developing and offering these services is a journey – one that takes education, patience, and time. This resource will offer a few suggestions that could be helpful in building a lasting foundation or support for efforts. Keep in mind there are many other steps to take and things to learn about the strengths and needs of immigrant Latin@ communities.

### ORGANIZATIONAL CULTURE

Sexual violence is tied to inequality. People who commit sexual violence may target people who may have less perceived power in society. It is important for all sexual assault centers and anti-violence programs to continually strengthen and develop their anti-oppression work – these efforts could include (Rios, n.d., pp. 15-16):

- Reflecting on personal biases and committing to affirm the dignity of all cultural groups and value systems;
- Visibly advocating for the rights of Latin@ individuals and communities, supporting issues that would affirm the rights of Latin@ communities;
- Examining how cultural and societal norms may prevent Latin@s from accessing services, and taking steps to reduce or eliminate those barriers.

### CONFIDENTIALITY

Concerns about being reported or deported are very important when thinking about why immigrant Latin@s may not be reaching out for services. Sexual assault counselors have a powerful role to play in serving these individuals and building trust with the community –immigration and citizenship status are kept confidential and are protected. Counselors and advocates can bring information about VISAs and protections to undocumented and immigrant survivors as they work with them toward healing.

### LANGUAGE

Bilingual services or interpretation is necessary when serving or seeking to serve communities who primarily speak Spanish. Many immigrant communities live and work together and this can stunt the process of learning another language. It is the responsibility of sexual assault centers to advocate for all survivors of sexual violence; having services available for everyone is crucial to fulfilling this responsibility.

## ENDNOTES

<sup>1</sup>The @ symbol is used to represent that feminine (Latina) and masculine (Latino) versions of words in order to promote a more inclusive approach to language.



## ABOUT THIS RESOURCE

This resource was authored by Liz Zadnik, PCAR Education & Resource Coordinator, and Enid Melendez, PCAR Training Projects Specialist. The authors intend for this resource to be used by agencies and practitioners in the anti-sexual violence movement in Pennsylvania and beyond.

The authors would like to acknowledge Chiara Sabina, PhD, for her invaluable contributions to this resource and efforts to support Latina survivors of sexual violence.



## RESOURCES

### 2011 Language Mapper

Interactive map from the U.S. Census Bureau, 2007-2011 American Community Survey  
[http://www.census.gov/hhes/socdemo/language/data/language\\_map.html](http://www.census.gov/hhes/socdemo/language/data/language_map.html)

### Limited English Proficiency – Interpretation and Translation Services

Pennsylvania Council of Children, Youth, and Family Services

[http://www.pccyfs.org/practice\\_resources/Limited-Eng-Prof\\_Interpretation-Translation\\_082007.pdf](http://www.pccyfs.org/practice_resources/Limited-Eng-Prof_Interpretation-Translation_082007.pdf)

## REFERENCES

Black, M. C., Basile, K.C., Breiding, M. J., Smith, S. G., Walters, M. L., Merrick, M. T., ... Stevens, M. R. (2011). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 summary report*. Retrieved from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention: [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf)

Cacavas, S. H. (1992). Violence against undocumented women. *Hastings Women's Law Journal*, 3(1), 83-87.

Chavez, L. R., Hubbell, F. A., Mishra, S. I., & Valdez, R. B. (1997). Undocumented Latina immigrants in Orange County, California: A comparative analysis. *The International Migration Review*, 31(1), 88-107. doi:10.2307/2547259

Cuevas, C. A., & Sabina, C. (2010). *Final report: Sexual Assault Among Latinas (SALAS) Study* (Document No. 230445). Retrieved from the National Criminal Justice Reference Service: <https://www.ncjrs.gov/pdffiles1/nij/grants/230445.pdf>

Colorlines. (2010). *Drop the I-Word: Campaign toolkit*. Retrieved from <http://colorlines.com/droptheiword/resources/en/toolkit.html?tab=actiontab>

Dutton, M. A., Orloff, L., & Hass, G. A. (2000). Characteristics of help-seeking behaviors, resources and service needs of battered immigrant Latinas: Legal and policy implications. [Symposium briefing papers]. *Georgetown Journal on Poverty Law & Policy*, VII(2), 245-305.

- Erez, E., & Hartley, C. C. (2003). Battered immigrant women and the legal system: A therapeutic jurisprudence perspective. *Western Criminology Review*, 4, 155-159.
- Hass, G. A., Dutton, M. A., & Orloff, L. E. (2000). Lifetime prevalence of violence against Latina immigrants: Legal and policy implications. *International Review of Victimology*, 7, 93-113. doi:10.1177/02697580000700306
- Menjívar, C., & Salcido, O. (2002). Immigrant women and domestic violence: Common experiences in different countries. *Gender & Society*, 16, 898-920. doi:10.1177/089124302237894
- Pew Research Center. (2011). Demographic profile of Hispanics in Pennsylvania, 2010. Retrieved from <http://www.pewhispanic.org/states/state/pa/>
- Rios, E. A. (n.d.). *On the road to social transformation: utilizing cultural strengths to end domestic violence*. Retrieved from <http://www.racialequitytools.org/resourcefiles/rios1.pdf>
- Salcido, O., & Adelman, M. (2004). "He has me tied with the blessed and damned papers": Undocumented-immigrant battered women in Phoenix, Arizona. *Human Organization*, 63(2), 162-172.
- Tjaden, P., & Thoennes, N. (2000). Full report of the prevalence, incidence, and consequences of violence against women (NCJ 183781). Retrieved from the National Criminal Justice Reference Service: <https://www.ncjrs.gov/pdffiles1/nij/183781.pdf>
- U.S. Census Bureau. (2010). *Detailed language spoken at home and ability to speak English for the population 5 years and older by states: 2006-2008 (ACS)*. Available from <http://www.census.gov/hhes/socdemo/language/>
- U.S. Department of State, Bureau of Consular Affairs. (n.d.) *Visa types for immigrants*. Retrieved from [http://travel.state.gov/visa/immigrants/types/types\\_1326.html](http://travel.state.gov/visa/immigrants/types/types_1326.html)
- University of Berkeley, Berkeley International Office. (2013). *Nonimmigrant vs. immigrant status*. Retrieved from [http://internationaloffice.berkeley.edu/nonimmigrant\\_vs\\_immigrant](http://internationaloffice.berkeley.edu/nonimmigrant_vs_immigrant)
- Waugh, I. M. (2010). Examining the sexual harassment experiences of Mexican immigrant farmworking women. *Violence Against Women*, 16(3), 237-261.

© Pennsylvania Coalition Against Rape 2014. All rights reserved.

This publication was supported by subgrant No. 2009/2010-VA-06-20570 awarded by state administrating office for the STOP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the state or U.S. Department of Justice, Office of Violence Against Women.



**PENNSYLVANIA COALITION AGAINST RAPE**

125 North Enola Drive • Enola, PA 17025

717-728-9740 • 800-692-7445 • TTY 877-585-1091 • [pcar.org](http://pcar.org)