

Realidades Latinas:

A National Survey on the Impact of Immigration and Language Access on Latina Survivors

**National Latin@ Network for
Healthy Families and Communities
and
National Domestic Violence Hotline**

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Introduction

As the immigration debate wages on in the United States, researchers, advocates, community organizers, policy makers, and community members alike have taken note of the direct impact that increased immigration enforcement policies have had on the Latin@ community. This is especially evident in the area of domestic violence (DV), where for the past few years advocates in various states have reported stories of families being negatively impacted by these policies, at times in life-threatening ways. In fact, in a recent study conducted in Atlanta, youth researchers documented the impact of immigration policies on Latin@ families participating in a DV intervention program.¹ They discovered that Latin@ families in Georgia, a state with one of the strictest immigration enforcement initiatives, have experienced increased difficulty in accessing services and an increased sense of fear in reaching out to authorities regarding DV for fear of deportation. They also reported that the way that immigration enforcement policies were carried out resulted in a significant increase of stress for women, men and children. This study was the first of its kind to document what DV advocates who work in Latin@ communities have been witnessing and experiencing firsthand.

As many DV organizations across the United States began to report to the National Latin@ Network for Healthy Families and Communities anecdotes similar to those described above, the National Latin@ Network became increasingly interested in collecting data at a national level to understand the breadth of the issue. With support from the US Department of Health and Human Services, the National Latin@ Network partnered with the National Domestic Violence Hotline (the Hotline) to develop and conduct a survey regarding barriers to seeking services for Latina survivors of DV, including questions related to immigration and language access. This report summarizes the findings and suggests implications for public policy, training and further research.

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national
latin@
network
casa de esperanza

THE HOTLINE

Casa de Esperanza has chosen to use “@” in place of the masculine “o” when referring to people or things that are either gender neutral or both masculine and feminine in makeup. This decision reflects our commitment to gender inclusion and recognizes the important contributions that both men and women make to our communities.

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The Survey

The survey was administered over a period of six weeks from June 25th to August 8th, 2012, to Hotline callers who identified as Latin@ survivors of domestic violence. Survivors were included in the survey if they were not in immediate crisis and agreed to participate. Hotline staff who conducted the survey were trained by the National Latin@ Network staff on the rationale of the study, survey protocol, and how to respond to any issues that might arise during the course of administering the survey questions.

Procedure

Procedures included the Hotline staff assessing the call for crisis situations and then proceeding to ask if the caller was interested in participating in the study. If the caller agreed, Hotline staff reviewed the consent process with the caller and continued administering the quantitative and qualitative questions.

During the six-week time period, more than 11,000 individuals called the Hotline. Whereas the U.S. Census indicated that Hispanics/Latin@s represent 16 percent of the U.S. population,³ only 12 percent of the total callers to the Hotline (1,305) identified as being of Latina/Hispanic origin during the survey period. If a caller responded “yes” to being a Latina/Hispanic, then the Hotline staff continued with the following questions:

“I have been scared to call the police in the past because my husband told the police that I’m crazy and because I live in Arizona and my husband told me that the law 1070 states that the police could take me and my children away.”²

- **Have you had problems using any services related to domestic violence (such as police, shelters or courts) because the services were not provided in your language?**
 - » If the respondent answered “yes,” they were asked, **“Please tell us what specific services you had problems with.”**
- **Were you born in a foreign country?**
- **Due to immigration issues, have you had any problems getting domestic violence services, such as shelter services, or the help of the police or the courts?**
 - » If the respondent answered “yes,” they were asked, **“Please tell us what specific services you had problems with.”**
- **Given the general immigration situation, are you afraid of calling the police or going to court for help?**
- For the last question, advocates were asked to write out any stories that the caller shared.

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Results

Demographics

As mentioned above, 1,305 of the callers identified as women of Latina/Hispanic origin.⁴ Their age categories were as follows: 13-17 (.31 percent), 18-24 (15 percent), 25-35 (41 percent), 36-45 (21 percent), 46-54 (9 percent), 55-64 (2 percent), 65 and over (.31 percent), No Answer (11 percent). The majority of the women called from California, Texas and New York (in order by the highest number of calls) with at least one call from almost every state.⁵

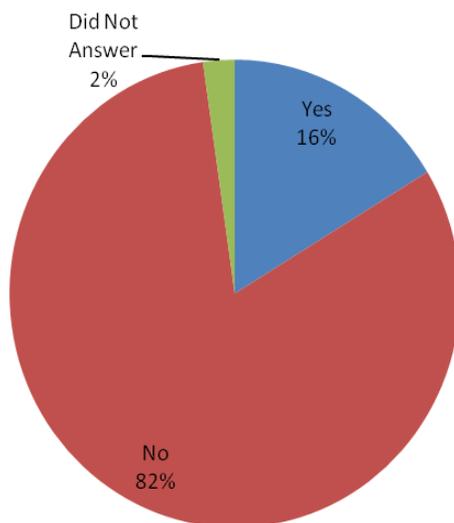
Approximately 40 percent of the self-identified women of Latina/Hispanic origin completed the survey in Spanish (528).

Survey Responses on Language Access

When we asked self-identified women of Latina/Hispanic origin the following question: “Have you had problems using any services related to domestic violence (such as police, shelters or courts) because the services were not provided in your language?,” approximately **sixteen percent** who answered the question responded “yes” (see Figure 1).⁶

“Police left [the scene] because they did not speak Spanish.”

Figure 1. Problems accessing services due to language barriers for ALL Latina respondents



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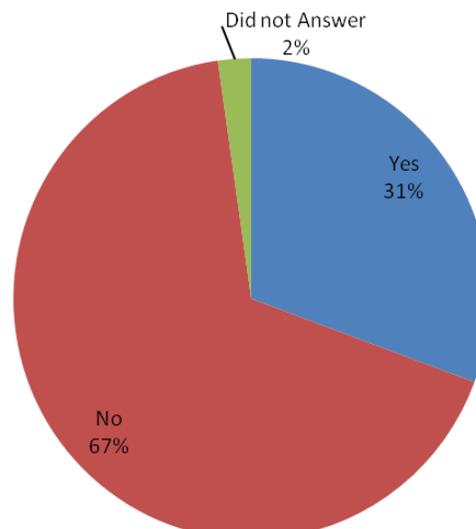
However, when we narrow our results and look at how many **Spanish speakers** indicated that they encountered language barriers, we see that **31 percent** of Spanish speakers who answered the question responded “yes” (see Figure 2). Another variable that might affect this number is the fact that about one in four callers had never reached out for services before this call.

In looking at the qualitative information provided by the 166 callers who responded “yes” to this question (regardless of language), we discovered the following themes (presented in order, with the first three most commonly noted):

- There were no Spanish services at the time when the police were called.
- There were no Spanish-speaking advocates at the local shelter or there were a limited number of interpreters available at local organizations.
- There were no Spanish-speaking services for helping with legal issues, including obtaining a protection order. Of particular importance, several respondents noted that although they speak English, they prefer to speak Spanish when discussing legal terms; however, they were not offered the services in their language.
- The perpetrator was able to “manipulate” police because the partner spoke English and the survivor did not.
- There were limited Spanish resources in print and on the internet.

“Last time I called the police and they came, I had to wait for a Spanish-speaking officer to come. When he came, he told me that he didn’t see any bruises so they couldn’t do anything and if they were called again, then there would be trouble.”

Figure 2. Problems accessing services due to language barriers for Spanish-speaking respondents⁷



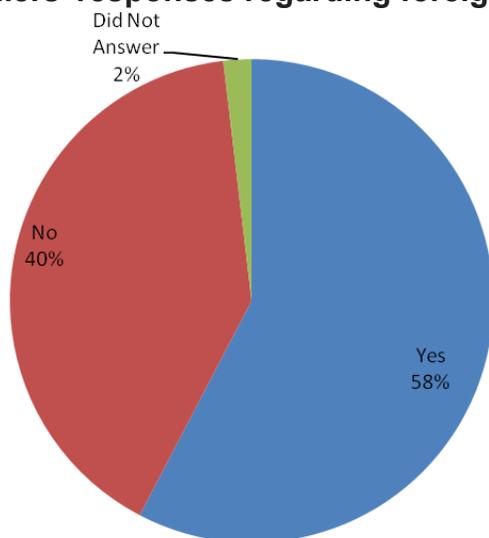
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Survey Responses on Immigration

As a proxy to asking questions regarding immigration status, the advocates asked the caller the following question, “Were you born in a foreign country?” We saw this as the most respectful way to understand if an individual identified as an immigrant and to gather important information without asking them to disclose immigration status, which could have caused undue stress. As seen in Figure Three, 58 percent of the callers of Latina/Hispanic origin who responded to this question responded “yes” when asked if they were born in a foreign country. This rate is higher than the 2010 U.S. Census data, which indicates that approximately 40 percent of Latin@s are foreign-born.⁸

Figure 3. Callers’ responses regarding foreign-born status



Based on census data, we know that immigrants within the U.S. fall into one of several categories: naturalized citizens (32 percent), legal permanent residents (29 percent), unauthorized/undocumented immigrants (29 percent), refugee arrivals (7 percent), and temporary legal residents (3 percent).⁹ The challenges they face depend greatly on the category into which they fall.

To understand some of these challenges, we asked the 583 Latinas who responded “yes” to being foreign-born the following question, “Due to immigration issues, have you had any problems getting domestic violence services, such as shelter services, or the help of the police or the courts?”. As displayed in Figure Four, 16 percent of the foreign-born Latinas who were asked the question reported “yes”. Again, it is important to note that those who had not previously sought domestic violence services before calling the Hotline also answered “no” to that question.

“I am afraid to call police because they said they would need to arrest me or my husband but probably me because I am not a citizen.”

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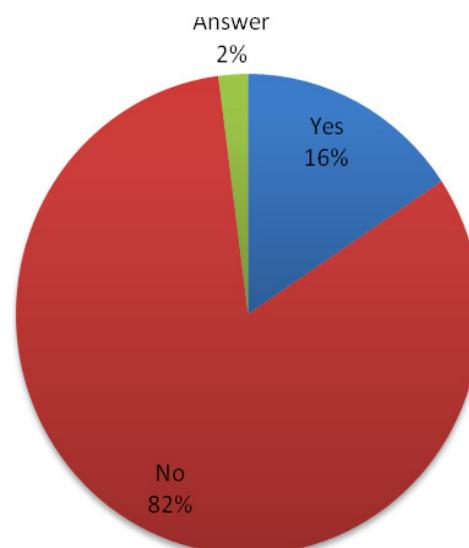
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Qualitative data from the 84 Latinas who responded “yes” produced the following common issues related to accessing domestic violence services due to immigration issues:

- Many women reported that they were *fearful to reach out for help* after their partners threatened to call in their documentation status. One woman reported that her husband mentioned the immigration enforcement law in their local state as part of his threats. Many women reported to Hotline staff that they had never reached out for support before because of this fear.
- Women reported *issues with accessing shelter services*. Several women reported being denied other critical services (including housing, food assistance and medical help) because they did not have proper identification.
- Some women reported having issues accessing services because police asked them for their documentation status or due to *language barriers* (as documented above).
- Callers also reported problems with seeking assistance with legal services due to *not having valid identification*.
- Many women reported *indirect issues with accessing services*, including not having the financial means because of their inability to work due to immigration status or their inability to find housing after leaving a shelter due to immigration status.

“Well, the officer said my husband is the one with full rights. I don’t, [have full rights] because I’m undocumented.”

Figure 4. Foreign-born responses to problems accessing services due to immigration issues



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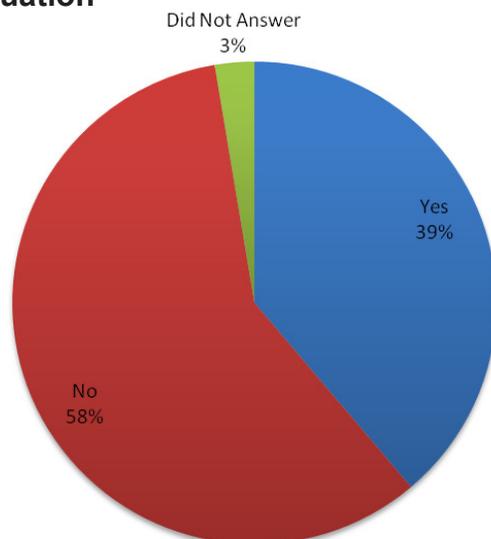
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It is important to emphasize that these percentages represent all foreign-born individuals regardless of immigration status. These numbers might look significantly different if we were able to analyze the responses for those who fall solely within the unauthorized category.

Interestingly, although only 84 of the identified foreign-born Latinas indicated that they had experienced difficulty accessing services due to their immigration situation, this number more than doubled with 206 Latinas or 39 percent reporting being afraid to call the police or going to court for help due to the immigration situation (see Figure 5). This finding is consistent with another study documenting an increased climate of fear among Latin@ immigrants impacted by domestic violence, perhaps even those who may be authorized to reside in this country.¹⁰ It also demonstrates that many women had not yet attempted to seek the services of the police or the courts before calling the Hotline out of fears related to immigration status.

In conversation with Hotline staff, many of the respondents reported the sources of their fear. For example, many women reported being afraid to contact domestic violence services due to fear that their children would be taken away from them because of their immigration status. An abuser threatened one caller by telling her that her parents would be deported if she called for help. Another woman reported that, in fact, her **children were taken away** from her because she was unable to find employment due to her documentation status. Women described their fear stemming from “real life situations,” in which they personally knew of people who were deported after asking for help.

Figure 5. Foreign-born Latinas’ reports of fear due to the immigration situation



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Commentary

It is no coincidence that many of the women in our survey reported an increased sense of fear due to immigration issues (39 percent of foreign-born Latinas). In reality, deportations of unauthorized immigrants are at a historic high. Over the past three years, there have been approximately 400,000 deportations annually, for a total of 1.2 million.¹¹ This tremendous spike in mass deportations is putting significant stress on Latin@ communities, regardless of documentation status. In fact, one caller reported that even though she has legal status, she notices an increased sense of fear in her community regardless of documentation status.

“Yes, I’m afraid because I have heard many cases of people reaching out for help and instead being deported”

The consequences of increased immigration enforcement policies are significant for immigrant Latina survivors of DV for many reasons. It is well documented that life stress is strongly related to the occurrence of DV¹² and although stress is not an excuse for violence, previous research has indicated that marginalized communities may be at greater risk of experiencing DV due to intersecting societal factors and few available resources. The increased stress of living in this country with unauthorized status, given the increased risk of deportation and many barriers to accessing services, may put immigrant Latinas at increased risk for experiencing DV.

This fact, coupled with the reality that many women reported fear of deportation after calling the police or seeking support, is creating an environment where immigrant Latinas are less likely to seek help, thus increasing their risk for further DV. The increase in sense of fear is not unfounded, as many women reported experiencing and witnessing first-hand situations where other community members were deported after seeking help, or when they themselves were asked about their own documentation status after calling the police. These incidents only serve to increase fear and decrease the likelihood of immigrant Latinas seeking help. Due to the shift in immigration enforcement policies, along with continued issues in accessing services because of language barriers, Latin@ communities are at great risk of returning to a time when the DV movement first began, and when families were left to deal with DV alone.

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Policy and Training Implications and Recommendations

For Service Providers, Advocates and Community-Based Organizations

Organizations providing support and services to survivors of domestic violence have the opportunity to make a tremendous positive impact for survivors and their children. It is critical to make sure these services are available for all survivors regardless of immigration status or English proficiency by:

- *Enhancing access to language-specific services.* Non-profit organizations and state agencies that receive federal funding are required to take reasonable steps to ensure meaningful access to individuals with limited English proficiency, pursuant to Title VI of the Civil Rights Act. Shelters, domestic violence and sexual assault programs, and legal assistance providers should develop and implement language access plans in compliance with the Civil Rights Act;
- *Improving training for recipients of federal funding,* particularly shelter services and transitional housing. Recipients will better understand their obligation to provide access to services critical for life and safety to all survivors, regardless of immigration status;
- *Increasing access to legal services representation and trained advocates to assist immigrant survivors* who are eligible for the Violence Against Women Act (VAWA) immigration remedies, such as the VAWA self-petition and U visa, and *increase engagement* to ensure that immigrant survivors are aware of these remedies;
- *Continuing to build capacity* to support and serve immigrant survivors and culturally-specific groups, particularly racial and ethnic minority groups, by moving beyond a “one-size fits all” approach;

“The closest shelters don’t offer services in Spanish. The police gave me a list of shelters, but they didn’t specify which ones might be able to help me in Spanish.”

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“[I am a] citizen in this country now, but still have problems with the language and not understanding the legal words in English. I feel now that I understand the law better, but need help with the words... there needs to be more Spanish-speaking people in the court system to assist.”

- *Developing and deepening connections and cross-training with culturally-specific, community-based organizations, and increasing their access to resources.* Seeking to address domestic violence as it intersects with issues of health, education, child development, mental health, job readiness, and more, will increase pathways for survivors of domestic violence to obtain accessible services toward safety and opportunities;
- *Creating and strengthening relationships with law enforcement agents and agencies* to better serve survivors who face language or immigration barriers;
- *Strengthening the state planning process* to ensure that underserved communities, including racial and ethnic minorities, have an opportunity to provide input in efforts to develop a comprehensive state plan for the allocation of FVPSA and VAWA funds and other resources;
- *Strengthening the commitment not only to provide social services, but to be part of a social change movement* that seeks to vigorously protect the human rights of all individuals to live free from violence, regardless of immigration status, language ability, race, class, religion, sexual orientation, age, or disability;
- *Supporting the reauthorization of the Violence Against Women Act (VAWA)* and ensuring that it continues to improve upon VAWA remedies for immigrant survivors and does not include provisions that repeal current protections or undermine survivor safety.

For Law Enforcement, Courts, DHS/ICE, USCIS

The increasing entanglement between local and federal immigration enforcement entities have a significant impact on Latin@ survivors experiencing violence. Efforts should be strengthened to ensure that immigration status cannot be used as a tool of abuse and that immigrant survivors are not too afraid to come out of the shadows to seek safety and assist law enforcement in holding perpetrators accountable by:

- *Expanding the “Coordinated Community Response” to make sure it includes efforts to ensure meaningful language access* for individuals with limited English proficiency to services provided by the police, prosecutors, the courts, in compliance with Title VI of the Civil Rights Act;

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- *Establishing protocols that make it impermissible for the police to rely on children or the abusers or their family members to provide interpretation* for survivors with limited English proficiency;
- *Improving training with law enforcement* to prevent dual arrests or the arrest of the survivor, particularly when immigrant survivors do not have adequate language access;
- *Reviewing Department of Homeland Security (DHS) policies* to ensure that collaborations between Immigration and Customs Enforcement (ICE) and local law enforcement focus on serious criminal offenders and do not undermine community policing and access to safety for survivors;
- *Improving coordination between local law enforcement and local ICE officials to establish protocols to implement the ICE prosecutorial discretion memo for immigrant survivors and witnesses* and coordinating efforts with domestic violence and sexual assault service providers to help in screening and providing assistance for survivors;
- *Enhancing training for the police and courts to better understand the complexities and critical issues faced by immigrant survivors* and to ensure access to police protection and the justice system for all survivors, regardless of immigration status or language proficiency;
- *Creating and strengthening relationships with community-based organizations* that serve immigrant survivors of violence to better assist them and their families;
- *Improving protocols and trainings to protect the confidentiality of immigrant survivors* and ensure that abusers are not able to use the immigration status of a survivor as a tool of abuse;
- *Improving coordination with Child Protective Services* to ensure that immigrant parents who are detained by ICE and have their children placed into foster care receive adequate services and protection of their parental rights;
- *Improving training and protocols for law enforcement agencies to better understand their role in providing certification for U visa applicants* when immigrant survivors have been helpful in the investigation or prosecution of a crime; and
- *Taking measures to expedite the adjudication of immigration relief* under VAWA at the U.S. Citizenship and Immigration Services (USCIS) specialized VAWA Unit and ensure that eligible survivors can access work authorization in a more timely manner.

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For further discussion about the barriers and challenges faced by immigrant survivors and the importance of VAWA remedies see *Latina Portrait: The Reauthorization of the Violence Against Women Act and Latinas*.¹³ Many of the policy recommendations developed by Casa de Esperanza can also be found in that publication, along with additional recommendations..

Resources

National Latin@ Network Website

The National Latin@ Network for Healthy Families and Communities, a project of Casa de Esperanza, is committed to providing timely and relevant information and resources to people working to prevent and eliminate domestic violence within Latin@ communities. The English/Spanish bilingual site features a resource library, public policy updates and action alerts, informative videos, training opportunities, and a blog among other culturally-specific information. Users can also sign up for free monthly webinars on a wide range of topics, provided in both English and Spanish. Advocates, organizers, practitioners, social workers, judges, activists, youth workers, survivors, and anyone working to promote safe and healthy Latin@ families and communities will find the site useful. By the end of 2013, we will be adding a toolkit for working with survivors with limited English proficiency. www.nationallatinonetwork.org

Center for Immigrants' Rights Tool to Help Immigrant Survivors

The Center for Immigrants' Rights has published "Immigration Relief for Victims of Abuse and Domestic Violence," a toolkit to help practitioners in representing immigrant victims of domestic abuse. This toolkit is available at http://law.psu.edu/immigration_remedies/materials.

The toolkit includes information about the following remedies: the U-visa, T-visa, the Violence Against Women Act's (VAWA) self-petition, VAWA cancellation of removal, and prosecutorial discretion. Specifically, it contains a substantive analysis of these subjects, including relevant statutes, regulations, agency memoranda, and secondary sources.

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ASISTA

ASISTA's purpose is to centralize assistance for advocates and attorneys facing complex legal problems in advocating for immigrant survivors of domestic violence and sexual assault.

The ASISTA website, located at www.asistahelp.org/, includes a clearinghouse which offers samples and best practices in the field. ASISTA's goal is to enable service providers to offer accurate and up-to-date help to immigrant survivors of domestic violence and sexual assault.

Federal Interagency Work Group on Limited English Proficiency (Federal LEP Work Group)

The website of the Federal LEP Work Group, at www.lep.gov, links to information, tools, and technical assistance regarding limited English proficiency and language services for federal agencies, recipients of federal funds, users of federal and federally assisted programs, and other stakeholders.

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End Notes and References

1. Rodriguez, Serrata, Rosales & Perilla (2012). *Exploring the Intersection of Immigration and Domestic Violence in Latino families: A Participatory Action Research Approach*. Manuscript submitted for publication.
2. All statements in quotation marks are actual quotes from callers to the National Domestic Violence Hotline during the time of the survey.
3. U.S. Census Bureau, “American FactFinder,” 2011 American Community Survey, Table B05003I, <http://factfinder.census.gov> (accessed November 19, 2011).
4. This report only includes women of self-identified Latina/Hispanic origin. Although a number of men who identified as Latino/Hispanic origin did call the hotline during this time, they were excluded from the report due to the small number of responses. The National Latin@ Network acknowledges that men can also be the primary survivors of domestic violence and that this is an issue that deserves thorough investigation.
5. Other states from which over 200 women of Latina/Hispanic origin called included: Pennsylvania, Florida, Illinois, Arizona, Michigan, Georgia, Washington, North Carolina, Ohio, Massachusetts, Virginia, Missouri, New Jersey, Colorado, and Tennessee.
6. In Figures 1-5, we eliminated the cases in which Hotline advocates “Did Not Ask” the questions. The percentage of calls in this category ranges from 16-23 percent. The advocates reported the main reason for not asking a question was when the caller was experiencing a crisis situation and proceeding with the questionnaire was not appropriate. This is different than the “Did Not Answer” category in the charts; in this case, callers were asked the question but chose not to answer it.
7. Approximately one in four respondents who answered “no” to this question indicated that they had not tried to access DV services prior to calling the Hotline.
8. Pew Hispanic Center, Statistical Portrait of the Foreign Born Population in the United States, 2010, Table 6. <http://www.pewhispanic.org/2012/02/21/statistical-portrait-of-the-foreign-born-population-in-the-united-states-2010/#8> (accessed November 19, 2011).
9. Migration Information Source, Frequently Requested Statistics on Immigrants and Immigration in the United States, 2012. <http://www.migrationinformation.org/USfocus/display.cfm?ID=886#2g>.
10. See endnote 1.

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11. Homeland Security Office of Immigration Statistics, 2011 Yearbook of Immigration Statistics, 2012, http://www.dhs.gov/sites/default/files/publications/immigration-statistics/yearbook/2011/ois_yb_2011.pdf.
12. Roberts, A.L., McLaughlin, K.A., Conron, K.J., Koenen, K. (2011). Adulthood stressors, history of childhood adversity, and risk of perpetration of intimate partner violence. *American Journal of Preventive Medicine*, 40(2), 128-138.
13. Casa de Esperanza and Mujeres Unidas en Acción. *Latina Portrait: The Reauthorization of the Violence Against Women Act and Latinas (in press)*.

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National Latin@ Network for Healthy Families and Communities

The National Latin@ Network, a project of Casa de Esperanza, is the national institute on domestic violence focusing on Latin@ communities. The National Latin@ Network provides training and consultations to practitioners and activists throughout the US, as well as in Latin America. The National Latin@ Network organizes national and regional events and engages in federal and state public policy advocacy, and conducts research on issues that affect Latin@s in the U.S. and abroad. For more information, visit us on the web at: www.nationallatinonetwork.org

The National Domestic Violence Hotline

The Hotline was established in 1996 as a component of the Violence Against Women Act passed by Congress. The Hotline is a vital link to safety for victims of domestic violence and provides crisis intervention, safety planning, information, and referrals to victims of domestic violence, friends and families. NDVH is the only domestic violence hotline in the nation linking victims to more than 4,000 domestic violence programs and resources across the United States, Guam, Puerto Rico and the U.S. Virgin Islands. Assistance is available in English and Spanish with access to more than 170 languages through interpreter services. The Hotline is also a resource for domestic violence advocates, government officials, law enforcement agencies and the general public. For more information, visit us on the web at: www.thehotline.org

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