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Facing Women of Color Since 1997



# Women of Color Network

## Reports from the Field

An Economic Policy & Leadership Series

**Survivors of Violence & Economic Security: Focus on T- & U-Visas**

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### Introduction

Economic security and violence against women are deeply connected across communities. Especially in our current challenged economy, we witness the disproportionate impact of economic inequities on survivors of color, Tribal survivors, immigrant survivors, and our communities. Along with access to food, housing, and safety, access to economic opportunity and security is necessary for self-sufficiency. Within this economic landscape, the Women of Color Network (WOCN) seeks to ensure that the economic security challenges facing women of color, Tribal, and immigrant survivors are examined and addressed so that all survivors can be supported and reached effectively.

In this time of economic crisis, many anti-violence programs have been forced to roll back services. The needs of under-represented communities may be unintentionally overlooked or even disregarded as too complex to address – leading to a further **need for a stronger safety net for survivors of color, immigrant survivors, and Tribal communities**. Simultaneously, we see that culturally specific organizations and Tribal programs continue to serve survivors with innovative responses that respond to economic security needs.

During this period of economic crisis, **WOCN aims to ensure a safety net for all survivors, leadership of advocates of color as well as immigrant and Tribal advocates,**

**and a voice for our communities.** From 2011-2013, through the Economic Policy & Leadership Project, WOCN documented how diverse survivors are affected by economic factors as well as promising methods of response. This series of five reports from the field emerges from WOCN forums where immigrant, Tribal, and women of color advocates from the fields of violence against women, social justice, and economic justice shared challenges and recommendations for survivor support in relation to economic security. Through these field reports, we give voice to the expertise of on-the-ground advocates and aim to support immigrant and Tribal advocates & advocates of color and their allies – including other advocates, local/state programs, and policy partners – in furthering more effective program development and response within domestic violence and sexual assault programs. Through understanding specific needs and advancing the recommendations in these field reports, advocates, programs, institutions, and policymakers can better remove barriers and improve access while building a better understanding of the intersection of communities of color, immigrant and Tribal communities, domestic violence and sexual assault, and economic security. Furthermore, these reports can inform policy conversations and policymakers in shaping policies more effectively for our communities. Finally, these reports demonstrate the advocacy leadership of immigrant, Tribal, and women of color advocates – and the power of their voices.

## **Defining the Economic Needs of Diverse Survivors**

In 2011, WOCN convened the National Women of Color Economic Policy and Leadership Summit comprising participants from across the United States and Tribal sovereign nations to ask, **“What are the economic needs of survivors from our communities and how do we ensure a safety net and support?”** Based on advocate input from the 2011 National Summit, WOCN identified two overarching areas vital to the economic security of immigrant and Tribal survivors and women of color: **(1), the need for [Strengthening Institutional Services](#)** to challenge external, systemic, and internal racism & bias to ensure inclusivity as well as **(2), the importance of [Policy Advocacy](#), development, and education** to better reach and serve our communities. Moreover, the 2011 National Summit attendees delineated three policy issues requiring specific attention: **(3), [Reentry Populations](#); (4) [Tribal Sexual Assault](#); and, (5) access to [T- and U-Visas](#) for undocumented survivors.**

Subsequent to the 2011 National Summit, WOCN held three Women of Color Regional Forums in 2013 to gather information and recommendations to reduce economic marginalization in the above five arenas. These events were hosted by the Women of Color Network and funded by the Office on Violence Against Women.

**Reflecting the expertise of advocates, activists, and survivors, this issue report from the field examines the compounding economic challenges faced by undocumented survivors whose paths to safety hinge upon access to immigration remedies.** This field report provides recommendations to support the safety and economic security of undocumented survivors. Along with personal accounts and field advocacy, this valuable information can work alongside national data to build economic security and safety of ALL communities, families, and survivors.

## **Voices from the Field**

Given the on-the-ground expertise of advocates, we start with their powerful voices. Here are some of the key frameworks, barriers, and solutions in reference to undocumented survivors who can be supported by T- and U-Visas **as voiced by immigrant, Tribal, and women of color advocates who attended our forums:**

- Undocumented women feel like they do not have any other options but to go back to an abusive partner;
- Advocates lack awareness of how to serve survivors of sex trafficking as organizations may reinforce a social stigma on sex work/commercial sexual exploitation through showing a preference for working with survivors of domestic violence;
- Training for law enforcement on trafficking is needed for trafficking remedies to be accessible to survivors and implemented successfully;
- More education opportunities can provide access to a way forward for immigrant survivors of violence; and,
- Advocates based in Texas shared that in some Texas localities, there is a need to hire another person to review forms required for visa applications while noting that extensive training with first responders to screen for trafficking and get forms filled out quicker has made a difference in some areas.

WOCN is grateful for the vital expertise shared by immigrant, Tribal, and women of color advocates – expertise that forms the basis of the following critical barriers and recommendations for change. In particular, it is the dedication of immigrant advocates that enabled a focus on supporting a population often overlooked by mainstream providers – undocumented survivors who can further their own safety and economic security through a T- or U-Visa.

## Context and Scope of the Barriers

Immigrant survivors of violence face critical challenges in the journey to safety and economic security. Potential barriers may include a lack of awareness of one's rights, limited English proficiency as well as scarce familial, community, and culturally appropriate resources. In addition, immigrant survivors often face discrimination and backlash from law enforcement, service providers, and mainstream communities. For undocumented survivors, the challenges to be safe and self-sufficient are especially daunting. Amongst these challenges are obtaining a stable visa status and work authorization.

Under the Violence Against Women Act (VAWA), undocumented survivors can self-petition to obtain a T- or U-Visa. In addition, the Victims of Trafficking and Violence Protection Act enabled access for undocumented survivors to U-Visas as crime victims and T-Visas as trafficking victims. The scope and qualifying crimes and definitions for these visas can be obtained through USCIS as well as a number of resources listed in the resources section of this policy report.

The recently reauthorized VAWA did expand U-Visa categories to include labor contracting fraud and stalking as well as filing of youth petitions to remedy the problem of youth "aging out" during the lengthy visa review process. Notably, in 2012, USCIS reported that for three straight years, it has reached its 10,000 cap for U-Visas.<sup>1</sup> The caps (10,000 for U-Visas and 5,000 for T-Visas) and delays in visa processing often mean that survivors cannot benefit from the visa or often cannot be located when the visa is approved years later as their contact information has changed (as survivors often relocate for safety or economic access reasons).

While these visas do exist and are helpful, advocates from the forums identified a number of limitations, including the previously-stated caps, reluctance of law enforcement to offer certifications necessary for the visas, the difficult requirement of proving substantial abuse and having survivors participate in the criminal justice system, and a lack of capacity in anti-violence organizations to serve the specific needs of survivors of trafficking. Advocates may still not be trained or understand how to reach undocumented domestic violence or trafficking survivors. Once survivors of sex trafficking are identified, they may face discrimination from providers who reinforce stigmas around sex work and whether such work is coercive or not. Similarly, law

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<sup>1</sup> "USCIS Reaches Milestone for Third Straight Year: 10,000 U Visas Approved in Fiscal Year 2012." U.S. Citizenship and Immigration Services. Revised August 21, 2012. <http://www.uscis.gov/news/uscis-reaches-milestone-third-straight-year-10000-u-visas-approved-fiscal-year-2012>

enforcement officials may simply reject access to these visas by asserting that survivors who came to the United States unlawfully should not be “rewarded.” Furthermore, advocates noted that law enforcement and criminal justice officials hesitate to authorize certifications believing that survivors will then cease participation in criminal cases.

Access to T- and U-visas is thus impacted by larger issues related not only to the criminal justice system and xenophobia, but also notions of family values, marriage, and socially acceptable sexual interactions. Advocates report that these contexts have led to increased access & services for mainstream survivors of domestic violence but a lack of services, including shelters and healthcare options, for trafficking survivors. Finally, as trafficking survivors may often have very few connections and networks in this country, additional services and specialized routes to employment need to be developed.

Advocates impart that in the economic context, **access to visas are not only crucial to enable work authorization but also to ensure entry to social services including housing, food pantries, driver’s licenses, and even employment workshops** as some providers require work authorization and social security numbers for these services. With access to a T- or U-Visa, survivors are able to envision a future without violence and to seek services, including developing their language, educational, and job skills. On the other hand, without a visa, survivors may find it impossible to leave a dangerous situation – particularly as they may not have any viable options for economic security.

Often the focus on criminal prosecution within the anti-violence movement can put immigrant survivors in a vexed position: they want the abuse to end but do not necessarily want their partners deported. As a result, advocates underscore that restorative and community justice options are vital and may assist survivors in not being disconnected from sources of economic security.

## **Recommendations for Advocates**

Advocates from WOCN’s forums noted that advocates can support immigrant survivors in need of T- or U-visas in a host of ways through these strategies:

- Embrace the rubric that all survivors are worthy of services (i.e., that all survivors of sex trafficking are as entitled to support as are all survivors of intimate partner violence);
- Learn the T- and U-Visa process and guide survivors through it;
- Ensure safety planning for undocumented survivors on immigration issues especially in relation to encountering law enforcement (e.g. depending on the

situation and locality, it may be important to identify as a survivor, carry attorney information, or present any visa paperwork in process);

- Foster mentorship networks with survivors within and/or across agencies to offer guidance from survivors who have come through the visa process and can assist in supporting other survivors; and
- Maintain routine contact with survivors so that approved visas can be successfully received even if the survivor has moved locations.

## **Recommendations for Programs**

Advocates noted the power of anti-violence programs in fostering a stronger safety network for immigrant survivors in need of T- and U-Visas through these strategies:

- Foster relationships with a host of law enforcement agencies (police, DAs, etc.) in order to enable consistent and speedy certifications;
- Educate and train first responders and law enforcement on immigrant eligibility as well as how the visas help to support public safety and response to crimes;
- Develop linkages with legal clinics and law schools in order to support case processing as well as training of law enforcement through a vantage of shared learnings across the field;
- Enable extended timelines for shelters or access to shelter for trafficking survivors while developing connections to transitional housing programs;
- Ensure access to qualified interpreters and translators; and
- Connect with funders on needs for undocumented survivors and survivors of trafficking.

## **Recommendations for Institutions**

Advocates noted that reforming law enforcement contexts can have a profound influence on immigrant survivors seeking safety. Law enforcement and related institutions can support immigrant survivors in furthering their economic capacity through these means:

- Develop clearly-defined language for law enforcement and consistent regulations across the states for T- and U-Visa access;

- Expedite the process of petitions so that survivors are not kept in an unsafe holding pattern or forced to relocate multiple times before a petition is approved; and
- Enable training on immigrant eligibility and certification processes across law enforcement agencies.

## Recommendations for Policymakers

Advocates indicated that reforming immigration contexts can have a profound influence on survivors as they build their lives in the United States. Policymakers can support immigrant survivors in furthering their economic capacity in these ways:

- Raise the cap and number of T- and U-Visas;
- Enable a faster track to work authorization or temporary authorization so that survivors can further self-sufficiency as their paperwork is processed;
- Provide access to federal financial aid and Medicaid with similar parameters as those established under VAWA; and
- Further access to educational opportunities and scholarships to develop job skills, technical training, and a path for self-sufficiency.

## Conclusion

As the battle for immigration reform wages, advocates are struggling to ensure access to services and resources for undocumented survivors. Through successful trainings with law enforcement providers, advocates have seen additional support for trafficking and undocumented survivors. However, such access should not be reliant on individual advocacy or the willingness of local jurisdictions. **A consistent, coherent, and clear policy enabling sufficient access to T- and U-Visas is needed.** With the above recommendations garnered from a host of advocates, we believe that not only can we work to create a stronger safety net for immigrant survivors but that we can embolden the capacity for self-sufficiency, health, and community safety for all.

For more information about the content of this publication, please contact us at:

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## More Information and Resources

The following government and advocacy online resources can provide further information, expertise, and hands-on strategies for supporting undocumented survivors:

Immigration Options for Victims of Crime: <http://www.dhs.gov/immigration-options-victims-crimes>

Meeting the Legal Needs of Human Trafficking Victims: An Introduction for Domestic Violence Attorneys & Advocates: [http://www.americanbar.org/content/dam/aba/migrated/2011\\_build/domestic\\_violence/dv\\_trafficking.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/2011_build/domestic_violence/dv_trafficking.authcheckdam.pdf)

National Survey of Service Providers on Police Response to Immigrant Crime Victims, U Visa Certification and Language Access: <http://www.niwap.org/reports/Police-Response-U-Visas-Language-Access-Report-4.6.13.pdf>

Practice Pointers for U and T Visas: <http://www.immigrantcrime.com/PDF/UT-Visas-reprint.pdf>

Promoting U Visas with Local Officials: <http://www.nifvi.org/Promoting%20U%20Visas%20with%20Local%20Officials.pdf>

Questions and Answers: Victims of Human Trafficking, T Nonimmigrant Status: <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-human-trafficking-t-nonimmigrant-status-0>

T-Visa Laws for Trafficking Victims: [http://www.womenslaw.org/laws\\_state\\_type.php?id=13636&state\\_code=US](http://www.womenslaw.org/laws_state_type.php?id=13636&state_code=US)

U Visa Law Enforcement Certification Resource Guide: [http://www.dhs.gov/xlibrary/assets/dhs\\_u\\_visa\\_certification\\_guide.pdf](http://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf)

U Visa Laws for Crime Victims: [http://www.womenslaw.org/laws\\_state\\_type.php?id=10271&state\\_code=US](http://www.womenslaw.org/laws_state_type.php?id=10271&state_code=US)

U Visa Toolkit for Law Enforcement Agencies and Prosecutors: [http://iwp.legalmomentum.org/reference/additional-materials/immigration/u-visa/tools/police-prosecutors/U-visa\\_toolkit\\_August\\_2011.pdf](http://iwp.legalmomentum.org/reference/additional-materials/immigration/u-visa/tools/police-prosecutors/U-visa_toolkit_August_2011.pdf)



Victims of Criminal Activity: U Nonimmigrant

Status:<http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>

## **WOCN Economic Policy and Leadership Reports Series**

The WOCN policy reports (published 2014) emerged from advocate expertise during the 2011 National Economic Policy and Leadership Summit and a series of three regional convenings in 2013. The reports explore [Strengthening Institutional Services](#); the need for [Policy Advocacy](#); [Reentry Populations](#); [Tribal Sexual Assault](#); and [T- and U-Visas](#), and present the direct expertise of advocates working to end violence across the country. The reports provide background, a scope of the problem, and offer targeted recommendations for advocates, agencies, and policymakers. We look forward to your responses and to ensuring economic access for all survivors!

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