

NATIONWIDE SURVEY:

A Window Into the Challenges Immigrant Women and Girls Face in the United States and the Policy Solutions to Address Them



TAHIRIH
JUSTICE
CENTER®

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EXECUTIVE SUMMARY

The Tahirih Justice Center is the largest multi-city direct service and policy advocacy organization focused on assisting immigrant women and girls in the United States. Over the last 20 years, Tahirih has provided free legal and case management assistance to more than 22,000 immigrant women and children fleeing human trafficking, domestic abuse, rape, and other gender-based violence.

At the request of the Ford Foundation, Tahirih issued a nationwide survey in October 2017 asking immigration advocates, immigrant women, and legal and social service providers what they see as the most urgent systemic challenges facing immigrant women and girls. Over 150 individuals, representing 108 entities in 23 states, provided input in English and Spanish through the online survey and telephone interviews conducted by Tahirih.

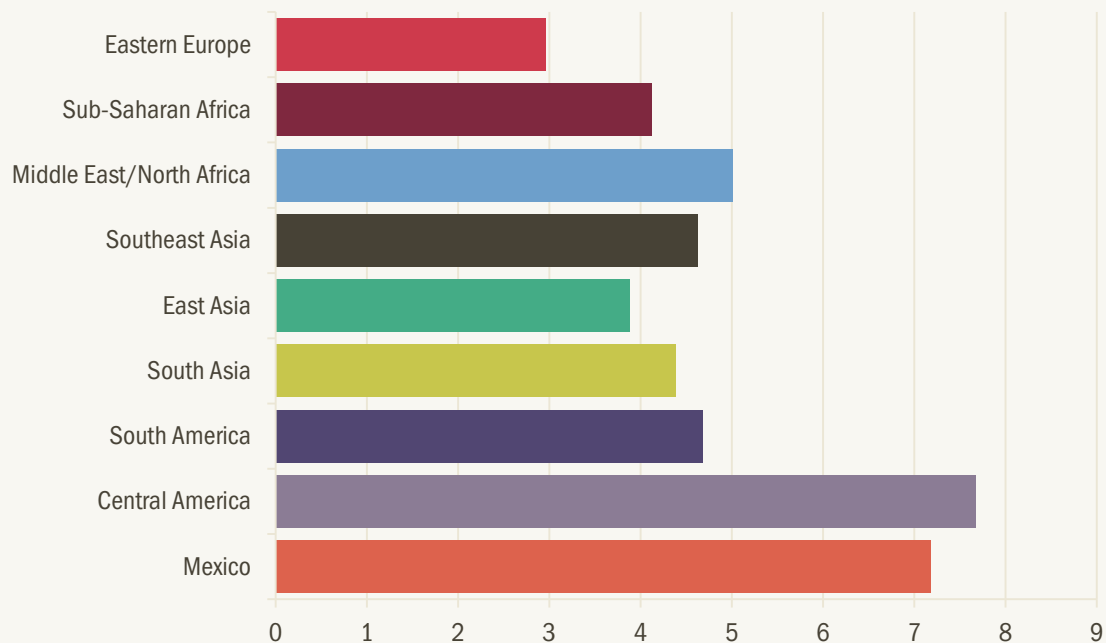
Survey participants were asked to identify and rank challenges facing immigrant women in order of urgency and impact, and to provide suggestions for policy solutions. While the survey sought to document the experience of immigrant women and girls generally, participants overwhelmingly discussed the experiences of immigrant women who have endured domestic or other gender-based violence.

This report presents the results of the survey. The most urgent challenge facing immigrant women and girls, according to survey participants, is the exceedingly narrow pathway to legal immigration status even for those who desperately need protection. Lack of safe and affordable housing, language barriers, and fear of police were cited by participants as both urgent and widespread challenges facing immigrant women and girls. Participants overwhelmingly agreed that federal legislative change, as opposed to other approaches, is needed most in order to achieve fair and adequate protection for all immigrant women and girls.

INTRODUCTION

In October 2017, the Ford Foundation sought assistance from the Tahirih Justice Center in an effort to examine the systemic issues that intensify vulnerabilities for immigrant women and evaluate strategies to effect change. To this end, Tahirih issued the nationwide survey, “Assessing the Challenges Immigrant Women and Girls Face in the U.S. and the Policy Solutions to Address Them,” to a wide audience of immigration advocates, legal and social service providers, and immigrant women in other sectors.

Over 150 individuals, representing 108 entities in 23 states, provided input through both the survey as well as telephone interviews conducted in English and Spanish.¹ Most participant organizations, including Tahirih, have been serving immigrants for over 20 years, with 22% focusing on immigrant women as their client base. Within each organization, individuals from Central America and Mexico comprise the majority of service seekers, with the breakdown of client regions of origin as follows.



Ranking of volume of clients served from each region of origin, from lowest (1) to highest (10)

FINDINGS

THE MOST URGENT CHALLENGES CONFRONTING IMMIGRANT WOMEN AND GIRLS IN THE U.S.

Survey participants evaluated the urgency of a variety of challenges confronting immigrant women and girls in the United States. The challenges identified as *most urgent* are described below, with numbers one, two, and four pertaining specifically to the pursuit of immigration relief.

While the survey sought to document the experience of immigrant women and girls generally, it is noteworthy that the results overwhelmingly reflect challenges faced by immigrant women who have endured domestic abuse or other gender-based violence. Immigrant women who come to the United States often endure violence and trauma in their home countries, causing them to flee. Sometimes the violence happens during migration; between 60 and 80% of female migrants traveling through Mexico are raped on their way to the United States.² Many immigrant women and girls also survive domestic abuse, trafficking, and other forms of gender-based violence while in this country. As one advocate put it: “Everyone we work with has Post-Traumatic Stress Disorder.”

1

Lack of legal remedies to prevent deportation

Participants describe how extremely narrow legal standards prevent even those in dire need of protection from receiving asylum. Clients facing deportation suffer intense fear for their safety, anticipating retaliation from persecutors in the form of kidnapping, rape, and torture upon return home. Some note that our immigration laws lag behind because they fail to reflect the reality of targeted gang and cartel violence, with immigration judges unwilling to consider these very real threats to health and safety as a valid basis for protection. Asylum reform, as well as broader immigration reform, is cited as necessary to alleviate this problem.

2

Immigration detention and accompanying challenges such as abuse, lack of legal access, impact of confinement itself, and separation from children

On any given day, thousands of women and children are incarcerated across the United States because of their lack of immigration status. Some are mothers with their children crossing the border to find protection, while others are arrested

by immigration officers in their homes, in their communities, and during raids. Survey participants report that severe abuses in immigration detention are pervasive. One service provider notes that two clients needed surgery for conditions that developed during detention. Another describes a lack of accountability for officers who are dishonest or who manipulate detainees into saying things that later harm their cases, because they are so traumatized and/or do not understand the process. Others cite clients with valid claims for immigration relief, who nonetheless opt to take deportation orders because ongoing detention and separation from their children is too traumatic. Even clients who are able to secure representation are often unable to meaningfully participate in their cases because of detention-related anxiety and very limited opportunities for communication. Where electronic ankle monitoring devices are used as an alternative to confinement in detention facilities, clients report health consequences such as difficulty sleeping, urinating, and breastfeeding.

3

Lack of safe and affordable housing

Homelessness is one of the most significant obstacles to safety and the satisfaction of basic human needs and human rights for all immigrant women and girls. This is particularly acute for those without lawful status and for those who have been recently released from detention. For many women and their children, the lack of safe, affordable housing means their only alternative to living on the street is to live with an abuser. Remaining in

a chronically unsafe, threatening situation not only prolongs a woman's trauma but directly impacts her immigration case as well. Under these circumstances, it is very difficult for a woman to communicate freely with service providers and attend critical appointments and court hearings. A woman may also struggle to provide her attorney with the explicit details of abuse and other evidence needed to complete her application for immigration relief.

The complexities of our housing system are daunting, and immigrant women are especially vulnerable to exploitation by unscrupulous landlords. Women end up renting overpriced single rooms in apartment complexes only to find themselves living in squalid, subhuman conditions with no recourse. Overcrowding at shelters for those who are able to escape drives others back onto the streets.

4

Inability to obtain competent, affordable counsel

The consequences of criminal proceedings and civil immigration proceedings are similar in severity; for some women and children, deportation is tantamount to a death sentence. Yet, unlike those charged with crimes, immigrants have no right to counsel at government expense. Immigration law is so complex that counsel is essential for meaningful access to the immigration system. The lack of affordable and competent counsel available to immigrants facing deportation is crushing, even in metropolitan areas. Worse, detention facilities

are often located in highly remote areas where both private and *pro bono* counsel is scarce. As one advocate reports: “On any given day in Arizona, there are approximately 3,000 adults detained by Immigration & Customs Enforcement. Approximately 90% of those individuals will not be able to find an attorney.” The few who do serve detainees are overwhelmed, and most detained women cannot afford to pay an attorney.

Participants resoundingly lament that due to the complexity of our immigration laws, “it is nearly impossible for a *pro se* individual to adequately present a case” or “navigate the immigration legal system successfully without an attorney. Those that try often end [up] with a denied application, or in a [situation] that was worse than when they started.”

Further, women coping with trauma who face our daunting immigration system alone are highly vulnerable to exploitation by “notarios.” These individuals fraudulently promise clients help with bond or other aspects of their cases, but don’t follow through. As a result, the client is left with no money to retain a legitimate service provider, and a potentially unsalvageable immigration case as well.

5

Language barriers

Title VI of the Civil Rights Act of 1964 requires police officers responding to domestic violence calls to provide victims with access to translation services.³ Advocates note, however, that these services are often not available. One describes how the actual or perceived lack of availability of

interpreters means that an interpreter “is often someone the victim knows personally. I’ve even had cases where the only available interpreter was the accused perpetrator of the crime.” This can, and often does, result in a dual arrest (i.e., arrest of the victim herself), where the perpetrator fabricates a claim against the victim, or accuses her of fabricating a claim against him in order to gain custody of children. Another advocate states: “We’ve had women arrested when they were abused by their spouse because they can’t explain to the officer what happened, especially since they are under so much stress in that moment.”

Other highly problematic scenarios arise when children are used as interpreters. Children who translate for their mothers during descriptions of abuse are traumatized by that experience. Children might not have the vocabulary or cognitive ability to adequately express what they are hearing, while also being primary or secondary victims of abuse themselves. Faced with an impossible “choice,” some intentionally mistranslate their mother’s words for fear of sending their father to jail or causing his deportation.

Options to escape a very dangerous situation are few and far between for victims of domestic abuse. No translation services during a rare window of opportunity could mean the difference between life and death. A woman might leave a shelter thinking that her abuser is right and that there really is no help available, just as he warned. Others don’t know to request language services: “I’ve seen clients with legal issues, often the victims of

crimes, who are afraid to call 911 because they don't know that they can access language services when they call. They need a lot of assistance navigating the court system, and often don't follow through on cases because they feel that without speaking English, they won't be heard." Service providers overwhelmingly echo each other in citing language access as a critical, core element of safety planning for immigrant victims of domestic violence.

Lack of translation services may also directly result in a woman's wrongful deportation. A woman from Uzbekistan recounts making errors in her initial immigration documents because her English was so poor, and she had no help with translation. Illiteracy among elderly or particularly isolated immigrant women who have few opportunities to leave their homes is also a concern. It is very difficult to explain and rectify errors once an immigration application is filed with the government.

Language barriers also impact an immigrant woman's daily life in more subtle ways. As explained by one individual: "We can't speak enough to get our daily business done – we get by at shops, and our kids are fine at school – but the problem comes when we try to speak at an academic level. The language barrier silences us when we try to speak about complex or important issues."

6

Lack of trauma-informed services systemically

When service providers in any context are ill-informed about trauma and its various manifestations, survivors' access to critical assistance is limited. As one participant describes, service providers may be "quick to label clients [exhibiting signs of trauma] as 'un-collaborative' and drop their cases for lack of client participation." She notes the need for a trauma-informed approach within our immigration system, but raises the need even among domestic violence service providers who tend not to be "proactive when it comes to mental health; services are only offered after there's been a crisis." Immigrant women are also in desperate need of information about help that is available to them as survivors of violence, such as information about their reproductive rights and relevant legal remedies.

A related challenge arises for survivors of forced marriage and other family violence where the survivor's community is complicit in the abuse. A community's effort to silence survivors due to social and cultural stigmas deters women from coming forward, and abuse is therefore widely underreported. Service providers must be educated about cultural concepts of shame and how they intersect with trauma, so they can effectively help clients navigate social ostracism in addition to the abuse itself.

7

Fear and mistrust of the police

As the U.S. government intensifies pressure on local law enforcement to engage in federal immigration enforcement functions, a growing climate of fear is pervading immigrant communities nationwide. One participant explains: “On Sundays, [women] will coordinate schedules out of fear, just to do their normal routines.” Some are even afraid to go to Mass or to do their weekly grocery shopping.

Many women are hesitant to contact the police or seek child custody or other relief in courts because abusers threaten to call immigration authorities if they do. When service providers explain that the police are there to help them, clients are too afraid to believe them: “The fear is undermining access to safety and justice, and increasing vulnerability to exploitation as abusers know that they can exploit the fear.” Undocumented women are particularly afraid to come forward when they are subjected to sexual violence and harassment in the workplace, for fear that the police will side with the woman’s employer and they will not be believed. The overall chilling effect on women is woven throughout many aspects of their lives – some are even afraid to seek health insurance for U.S. citizen children or enroll them in school. Others are so afraid to obtain health insurance that they are getting clandestine abortions.

Furthermore, only a limited number of survivors can qualify for immigration remedies such as U visas and self-petitions under the Violence Against

Women Act. An advocate explains: “U visas require law enforcement certification, and some cities/ jurisdictions are very cooperative while others are very uncooperative.” On many occasions, another observes, survivors themselves “have been arrested and have had to undergo interrogation processes as if they are the perpetrators.”

A young woman from Afghanistan explains how many female friends have confided in her about experiencing sexual assault, but they face tremendous pressure from within their communities and families to remain silent. Those who do wish to come forward, however, grapple with their fear of calling 911. In so many countries, women and girls are powerless in the face of corrupt and often abusive police. An advocate explains that “traffickers and abusers use or threaten to use the legal system against their victims, so it is no wonder that survivors fear authority figures and our systems” in the U.S. She notes that community-based organizations are key for survivors to feel the hope and confidence they need to seek justice.

PREVALENCE OF CHALLENGES FACED BY IMMIGRANT WOMEN AND GIRLS IN THE U.S.

While participants consider the above as the *most urgent* challenges for immigrant women, they likewise consider the following as the *most widespread* challenges as well: lack of legal

remedies to prevent deportation; lack of safe and affordable housing; language barriers; and fear and lack of trust of police. This overlap in what respondents report as the most urgent as well as the most widespread challenges indicate that they have a significant impact on the ability of immigrant women and girls to obtain status and avoid vulnerability to abuse and exploitation. Additional challenges participants deem to be among the most widespread, but not necessarily the most urgent, are:

The complexity of our legal and social service systems

Some note that while some barriers to accessing services may be unintentional, the impact of these barriers is discriminatory. For example, requests for social security numbers from landlords can put immigrants at a disadvantage. An advocate explains that accessing public benefits and other social services in the United States is extremely complicated, with seemingly arbitrary cut-off dates.

She notes that “[t]he complexity of ‘systems’ broadly in the USA results in frustration and stress on the part of both immigrants themselves and those trying to help support them. The complexity includes myriad levels of bureaucratic ‘red tape’ that is difficult to navigate and often results in lack of access to services even [for those who] are eligible.” She also points out that clients must negotiate these systems in a second or third language, and if they do not have help, services are virtually out of reach. Providers widely note this

concern as well when explaining the urgent need for access to counsel in the context of immigration proceedings due to the complexity of our legal system.

A woman from Afghanistan who is sponsoring her husband to immigrate to the U.S. describes the voluminous paperwork required and how if one letter is incorrect, the entire application may be called into question. She inadvertently omitted a letter in her husband’s name on a form and had to resubmit the entire application. She emphasizes that she understands the need for precision, but the process is very difficult as a result. She further explains how “the burden of proof is very hard to meet, and documents can be nearly impossible to obtain, especially when coming from a less-developed country. Some governments don’t care about documentation, like birth certificates. My husband’s birth certificate and passports were in different names because the Afghan government made him do it this way. From a legal standpoint it makes sense [to have strict requirements], but from the perspective of someone trying to save her husband from a dangerous country it is too much.”

Economic hardship and lack of eligibility for government assistance

Economic hardship is considered by many to be the root cause of the most urgent challenges immigrant women face in the United States. Women are trapped; without access to employment or public benefits, housing and childcare are unattainable. Without childcare, a woman cannot

secure employment. Over the long-term, women in these circumstances face social isolation, which prolongs mental health conditions caused by trauma. Abused immigrant women confront a false “choice” between poverty for themselves and their children, and remaining financially dependent on their abusers. One advocate laments how indigent survivors tragically end up losing their children to the system, because Child Protective Services considers them unable to protect and provide for them. When a client couldn’t afford child care during her immigration hearing, she had to leave her alone in an attorney’s office. Service providers observe that while immigrant women are eager to rebuild their lives, deportation is a near certainty when a woman cannot afford to hire counsel.

Backlogs within all immigration adjudications (proceedings, benefits, appeals)

For those in immigration proceedings, backlogs in adjudications are the norm. Backlogs are not a mere inconvenience and can play a key role in increasing the threat to a woman’s safety. One advocate recounts the plight of a survivor of severe domestic violence from El Salvador, explaining that she was well-prepared and ready for her individual hearing in immigration court in June 2017. Yet, her hearing was inexplicably canceled and rescheduled for 2020: “Not only will this prolong her recovery and ability to rebuild her life, but her ability to recount all of the details of her abuse three years from now will be significantly compromised, thus jeopardizing her case.”

Further, a delay in regularization of immigration status results in an “ongoing, sustained state of vulnerability for women and families – women cannot legally work or access public benefits and are vulnerable to re-victimization due to their dependency.” While awaiting hearings, women are at risk of immigration apprehension and deportation. Children of asylum seekers or U visa petitioners often spend years separated from their parents in unsafe conditions abroad, vulnerable to retaliation by an abuser or other persecutors.

Backlogs and waiting in limbo “prevent clients from putting down roots and fully integrating” into society, to the detriment of our communities. Women may “not want to enroll children in school when they don’t know if they will have to pull them out if they get deported,” or avoid “recertifying for a degree because the future is uncertain.”

POLICY SOLUTIONS TO ADDRESS THE MOST URGENT CHALLENGES CONFRONTING IMMIGRANT WOMEN AND GIRLS

Participants overwhelmingly agree that change must happen at the federal level, as opposed to among local and lower-level government agencies. Likewise, they view legislative changes by the U.S. Congress as the most likely to make a real and lasting impact on the lives of immigration women, instead of relying on changes inside agencies

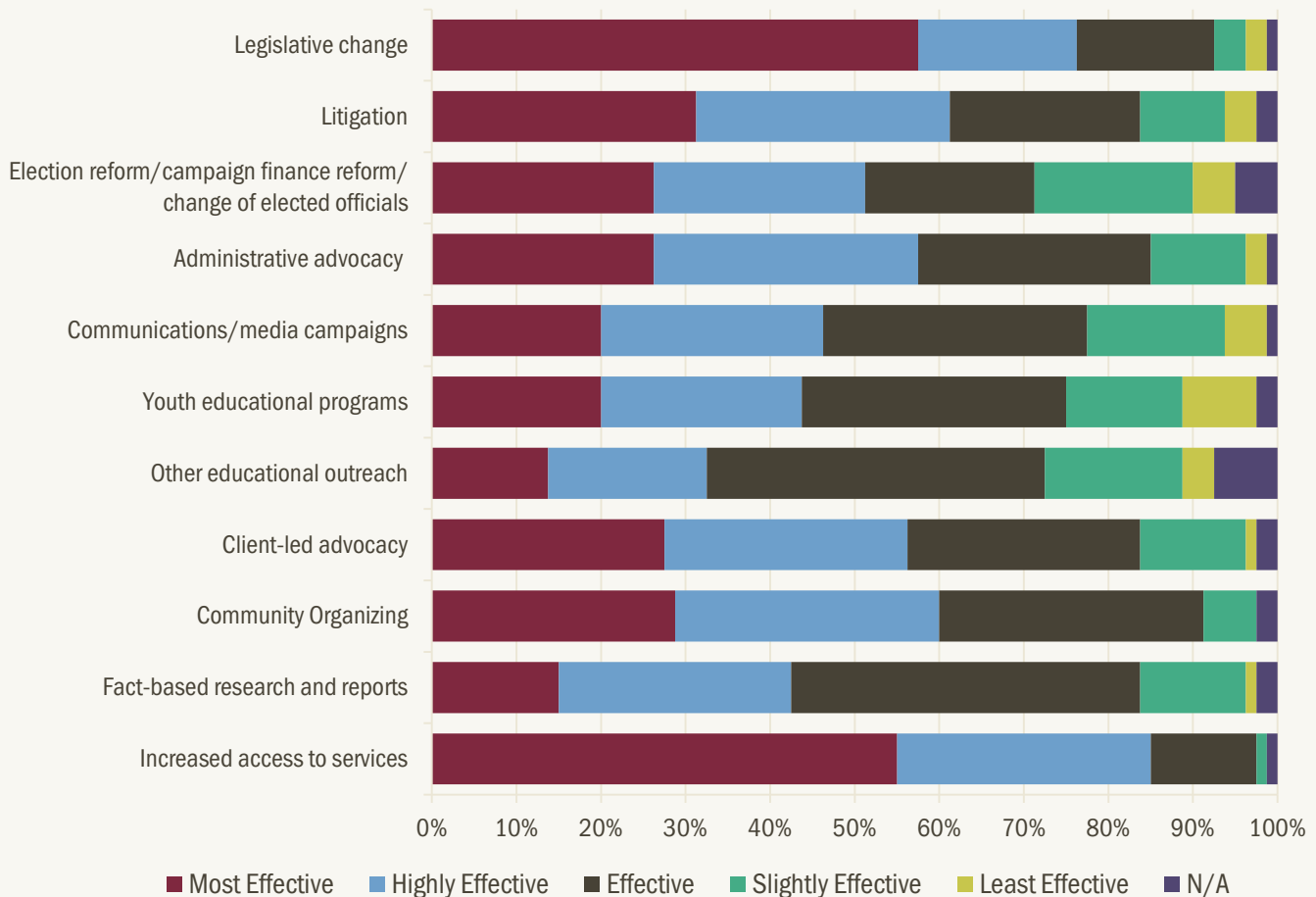
like the Department of Homeland Security, which can be unreliable and shift with each new administration. Specifically, participants highlight the following legislative goals:

- Comprehensive immigration reform
- Gerrymandering reform to address political polarization
- Universal representation for all in immigration proceedings
- Abolition of immigration detention

Participants consider increased access to services, e.g., availability of Legal Services Corporation or

other funds for a national pro bono infrastructure or direct legal and social services, as the second most effective strategy, followed closely by litigation. Participants evaluated the effectiveness of all possible strategies in the chart below.

Participants shared additional ideas for change, such as greater investment in outreach and education to immigrant women and girls about immigration legal remedies, and engaging with men and boys across communities to end violence against all women and girls.



CONCLUSION

The results of this survey highlight the systemic inequities and inefficiencies that exacerbate the many challenges facing immigrant women today. Some of the most urgent problems are also the most widespread, including inadequate and unclear pathways to immigration status, homelessness, language barriers, and mistrust of police. These stand together to block immigrant women and girls from obtaining lawful immigration status, perpetuate conditions of poverty, and increase their vulnerability to exploitation and abuse.

Advocates and service providers agree that without affordable housing, language services, and immigration counsel, it is nearly impossible for immigrant women to rebuild their lives and achieve safety and stability for themselves and their children. As this survey shows, in order to remedy this, change has to be made by Congress to reform the broken systems that leave immigrant women and girls out in the cold.



WORKS CITED

¹ To view the list of entities whose representatives participated in the survey, visit <http://www.tahirih.org/pubs/nationwide-survey-participant-list>.

² Parish, Anja, “Gender-Based Violence against Women: Both Cause for Migration and Risk along the Journey,” *Migration Policy Institute* (September 7, 2017), <https://www.migrationpolicy.org/article/gender-based-violence-against-women-both-cause-migration-and-risk-along-journey>.

³ 42 U.S.C. § 200d et seq applies to any government program receiving federal funds directly or as a sub-grantee. The Supreme Court held in *Lau v. Nichols*, 414 U.S. 563 (1974), that “failing to take reasonable steps to ensure meaningful access for Limited English Proficiency [LEP] persons is a form of national origin discrimination prohibited by Title VI regulations.”