

Interviewing and Safety Planning for Immigrant Victims of Domestic Violence¹

Women all over the world are subjected to violence at the hands of their family members and intimate partners. The United States Surgeon General has warned continually that family violence poses the single greatest health threat to adult women.² For women who immigrate to the United States, the problems of domestic violence are “terribly exacerbated in marriages where one spouse is not a citizen and the non-citizen’s legal status depends on his or her marriage to the abuser.”³ In addition to this immigration-status power disparity, immigrant women encounter language barriers, economic insecurity, pressures to assimilate, pressures to maintain their own cultural traditions, and discrimination due to gender, race, or ethnicity.⁴ It is important for advocates and attorneys and legal professionals who assist immigrant victims of domestic violence to take each of these barriers into account when interviewing and doing safety planning with their clients.

This chapter will discuss the best ways for advocates and attorneys to communicate with battered immigrant clients. It will detail effective methods of identifying, interviewing, assisting, and ensuring the safety of domestic violence victims. It will teach advocates and attorneys how to interact with clients in a manner that diminishes the pain involved with discussing the abuse and how to be sensitive to cultural differences.

Identifying Victims

COMMON WARNING SIGNS OF DOMESTIC VIOLENCE

It is important that all professionals who work with clients be aware of common warning signs that indicate that the client may be a victim of domestic violence. Regardless of the client’s current or future decision regarding her relationship, there are steps that advocates and attorneys can take throughout the duration of

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² “Violence Against Women”, A Majority Staff Report, Committee on the Judiciary, United States Senate, 102nd Congress, October 1992, p.3).

³ H.R. REP. NO. 103-395, at 29 (1993).

⁴ Leslye E. Orloff & Janice V. Kaguyutan, *Offering a Helping Hand: Legal Protections for Battered Immigrant Women: A History of Legislative Responses*, 10 AM. U.J. GENDER SOC. POL’Y & L. 95, 97 (2001).

their relationship with the client, to enhance the client's safety and empowerment. Advocates and attorneys should make note of specific signs that are often evidence of domestic violence. (Note: domestic violence is also prevalent in same-sex couples.) These indicators include:

- Evidence of broken bones or bruises, particularly if they are recurring;
- The client seems to be very isolated, with no access to transportation, to money, to family or friends, or to activities such as a job or school;
- The client asks her spouse/partner for permission to make decisions.
- The client complains of her spouse/partner's anger or temper;
- The client follows rules set by her spouse/partner about what she and/or her children can do;
- The client's spouse/partner continuously degrades the client;
- The client has difficulty making or keeping appointments because of the spouse/partner;
- The spouse/partner always accompanies the client to appointments and/or speaks for the client;
- The client complains that her spouse/partner drinks excessively or has a change of personality when he drinks;
- The spouse/partner constantly calls or stalks the client;
- The client reports that her spouse/partner accuses her of infidelity;
- The spouse/partner prevents the client from keeping a job.⁵

DOMESTIC VIOLENCE SCREENING AND INTERVIEWING CLIENTS

Domestic violence screenings can identify those persons who live with a violent family member. Screenings should be conducted with every potential client.

As a survival mechanism, many women minimize the abuse they have suffered at the hands of their spouse or partner. However, if a battered immigrant woman receives culturally sensitive encouragement, she is more likely to reveal information to the interviewer. Therefore, it is important for advocates and attorneys to create a space in which the client feels that she can express her fears and needs within her own cultural context.⁶ Advocates and attorneys should ask their battered immigrant clients open-ended questions that allow the client to explain the abuse she has suffered in her own words and from her own cultural perspective. Advocates and attorneys should also avoid using specific terms that the client may not be able to understand, such as "harass," "assault," or "rape."⁷ The following questions can be used to screen for domestic violence and to identify the physical, emotional, economic, psychological, and sexual elements of the abuse:⁸

1. Do you feel that your spouse/partner treats you well? Do you feel that your spouse/partner treats your children well?
2. Has your spouse/partner ever hurt or threatened you and/or your children?
3. Are you afraid of anything that goes on in your house?
4. Are you afraid of your partner?
5. Do you and your spouse/partner argue? If so, how often?
6. Describe what happens when you and your spouse/partner argue or fight.
7. Do you ever change your behavior because you are afraid of your spouse/partner or of the consequences of a fight?
8. Has your spouse/partner ever forced you to do something that you did not want to do?
9. Has your spouse/partner ever put his or her hands on you against your will?
10. Does your spouse/partner ever throw or break objects in the home or damage your home itself?
11. Has your spouse/partner ever hurt your pets or destroyed your possessions?
12. Has your spouse/partner threatened to harm someone or something that you care about?

⁵ DOMESTIC VIOLENCE IN IMMIGRANT AND REFUGEE COMMUNITIES: ASSERTING THE RIGHTS OF BATTERED WOMEN 7 (Deeana L. Jang, Esq., et al. eds., Family Violence Prevention Fund et al., 2nd ed. 1997).

⁶ A.B.A. COMM'N ON DOMESTIC VIOLENCE, 2000-01, DOMESTIC VIOLENCE AND IMMIGRATION: APPLYING THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT (2001).

⁷ *Id.* at 23.

⁸ LESLYE E. ORLOFF & RACHEL LITTLE, SOMEWHERE TO TURN: MAKING DOMESTIC VIOLENCE SERVICES ACCESSIBLE TO BATTERED IMMIGRANT WOMEN: A "HOW TO" MANUAL FOR BATTERED WOMEN'S ADVOCATES AND SERVICE PROVIDERS 58-59 (1999).

13. Has your spouse/partner ever threatened to use a weapon against you?
14. Does your spouse/partner say that it is your fault that he is violent towards you?
15. Has your spouse/partner told you that no one would believe you if you reported that he hurts you?
16. Has your spouse/partner ever threatened to kill himself if you did not do what he wanted?
17. Has your spouse/partner ever tried to prevent you from seeking medical attention or from taking medication?
18. Does your spouse/partner ever prevent you from sleeping?
19. Does your spouse/partner frequently criticize you or your children?
20. Has your spouse/partner told you that no one would ever want you?
21. Has your spouse/partner told you that you could never make it on your own?
22. Does your spouse/partner make it hard for you to find/keep a job or go to school?
23. Does your spouse/partner withhold money from you when you need it? Do you know what your family's assets are? Do you know where important documents such as bankbooks, checkbooks, financial statements, lease or mortgage documents, birth certificates, and passports for you and other members of your family are kept? If you wanted to see any of them, would your spouse/partner make it difficult for you to do so?
24. Does your spouse/partner ever threaten to take your children away?
25. Does your spouse/partner act jealously? For example, does he always call you at work or at home to check up on you? Is it difficult for you to maintain relationships with your friends, relatives, neighbors, or co-workers because your spouse/partner disapproves of them? Does your spouse/partner accuse you of flirting with others or of having affairs? Has your spouse/partner ever tried to prevent you from leaving the house?
26. Has your spouse/partner ever forced you to have sex or made you do things during sex that made you uncomfortable? Does he demand sex when you are tired, sick, or sleeping?
27. Has your spouse/partner ever forced you to have sex with another person when you did not want to?
28. Has your spouse/partner ever threatened to have you deported?
29. Has your spouse/partner ever threatened not to file immigration papers on your behalf?

Safe Communication

In any interview conducted with an immigrant battered woman attorneys and advocates should ensure that they know of a safe means to communicate with the client. In many cases, the safety of the client will be compromised if the abuser finds out that she is meeting with an attorney or advocate. Advocates and attorneys should take the following steps to ensure that they do not further endanger their clients:

- The advocate/attorney should ask the client if there are safe times when to call her and if it is safe to send her mail or e-mail? If a new client fails to attend appointments or return calls, the advocate/attorney should write the client a simple letter (on non-letterhead paper) requesting a response without disclosing her identity as a legal advocate or lawyer.
- When calling the client, the advocate/attorney should ask for the client without identifying herself and should speak only to the client about the case. The advocate/attorney should not leave messages with other family members or on an answering machine or voice-mail unless the client has informed her that this is safe. If the person who answers the phone starts to ask the advocate/attorney to identify herself, she should not reveal that she is a domestic violence advocate or lawyer.
- The advocate/attorney should always first ask the client if it is safe to talk and whether she should call the police. Even if the abuser no longer lives with the victim, he may be present when the advocate/attorney calls. Thus, the advocate/attorney and client should develop a system of coded messages that the client can use to signal that she is in danger or the abuser is present.

- The advocate/attorney should block identification of her number when calling the client to prevent an abuser from using Caller ID to discover that the client is seeking legal or victim assistance. The local phone company can provide information on how to do this.
- If necessary, the advocate/attorney should remind the client to have an explanation for the time spent at appointments with the advocate or lawyer and to limit the children's knowledge so that the abuser does not find out about legal actions or an upcoming separation ahead of time.
- The advocate/attorney should allow clients to use the office phone, if necessary, or offer to initiate calls at the client's request.
- The advocate/attorney should inform her clients that they have certain rights detained by immigration authorities. For example, immigrants have the right to remain silent, to not answer any questions, and to speak to their attorney.⁹
- Advocates and attorneys must be careful to respect their clients' trust and keep their clients' information confidential.

Transportation and Childcare

Issues of transportation and childcare may become serious barriers to battered immigrant women's ability to meet with an advocate/attorney. Before setting up an appointment with a client, advocates and attorneys should be aware that the client may have concerns about getting to the appointment and what to do with her children during that time. Even if the client has access to a vehicle, she may be reluctant to use it if her abuser regularly checks the mileage as a way of keeping track of where she goes.

In addition, the client may have some anxiety about bringing her children to the appointment. The advocate or attorney should be aware that if the child is in the room during interviews, the client may feel that it would not be appropriate to discuss the abuse in front of the children or she may be too embarrassed to be completely candid about certain instances of abuse, particularly those involving sexual abuse. Any apprehension that the client may have about the children being present during the interview may inhibit the client's ability to be completely open about what has happened to her.

The following are some ways an advocate or attorney may help alleviate client's worries about transportation and childcare:

- Providing clients with public transportation options. Working through the route with her, helping her choose safe transportation options, and offering her financial assistance if possible.
- Asking client if she has a friend or relative whom she can trust who can drive her to the appointment.
- Considering telephone appointments with the client if they can be set at a time that is safe for her.
- Offering to meet the client at or close to her home.
- Offering to pick up the client and return her home.
- Keeping a box of toys, books, and drawing materials available to keep children occupied during the appointment.

⁹ ORLOFF & LITTLE at 279-87.

Language Barriers

One of the primary goals of the anti-domestic violence movement is to encourage battered women to report and escape abuse.¹⁰ However, language barriers prevent battered immigrant women who want help from accessing needed assistance.¹¹ A domestic violence victim who knows little English will have difficulty making calls for assistance to the police, shelters, counseling centers, or attorneys. For example, according to the District of Columbia Advisory Committee, a rape victim attempted to report her attack to the Metropolitan Police Department in July of 1992. The language barrier between the victim and the 911 operators resulted in the operators reportedly hanging up on the victim three times.¹² Additionally, English deficiencies often prevent victims from showing up for court dates because they cannot read the summons.¹³ One method of avoiding this problem is to have all of the client's mail regarding the case sent to her attorney or advocate who can then safely communicate to the client necessary appointment times and updates.

When a battered immigrant woman is not able to obtain assistance due to language barriers, she may instead rely on her family and/or her abuser's family or friends to cope with the violence.¹⁴ This is often an ineffective and potentially dangerous option, as these persons may be unfairly biased, may fail to interpret the situation correctly, or may provide the abuser with information about the victim that further endangers her.¹⁵ The victim may also falsely communicate the reality of her experiences for fear of gossip or due to concerns that what she says will be repeated to the abuser.

GAINING ACCESS TO AND TRAINING INTERPRETERS

Advocates and attorneys who cannot communicate with a client due to language barriers should seek out the services of an interpreter. It is important to ensure that the client trusts her interpreter. Advocates and attorneys should advise clients to be open and honest when they do not understand something the interpreter says. They should inform the client that interviews with an interpreter will take a substantial amount of time; and they should make sure the client knows that if she has to explain something several times, it is not to question the validity of her statement, but to ensure that both the advocate or attorney and she understand everything that is being said.

Interpreters should be reminded of the necessity of keeping information confidential. An advocate or attorney may ask the interpreter to sign a statement to that effect.

It is useful for advocates and attorneys to identify several interpreters for each of the language minority populations within the community and establish relationships with them so they may be available when needed. Providing domestic violence training for interpreters will not only ensure proper communication between the victim and the advocate, but will also allow clients to feel more comfortable when relating their stories.

The first step in developing an interpreter program within the advocate's or attorney's office, is to make funds available to pay a core staff of professional interpreters or a staff of native speakers to be recruited and paid as needed on an hourly basis.¹⁶ If there are no funds available, the program should retain the use of volunteer interpreters. A list of volunteer interpreters may be obtained by calling professional interpreting services in the community to see if staff members would be willing to do volunteer work for the program.

¹⁰ Karin Wang, *Battered Asian American Women: Community Responses from the Battered Women's Movement and the Asian American Community*, 3 ASIAN L.J. 151, 165 (1996).

¹¹ *Id.* at 163 (noting that it may be difficult for battered women to speak of the abuse that they have suffered with someone who does not speak their native language).

¹² UNITED STATES COMMISSION ON CIVIL RIGHTS, RACIAL AND ETHNIC TENSIONS IN AMERICAN COMMUNITIES: POVERTY, INEQUALITY, AND DISCRIMINATION, VOLUME I: THE MOUNT PLEASANT REPORT 42 (January, 1993).

¹³ MARIA D. RAMOS, ESQ., CULTURAL CONSIDERATIONS IN DOMESTIC VIOLENCE CASES: A NATIONAL JUDGES BENCHBOOK 6-5 (1999).

¹⁴ Karin Wang, *Battered Asian American Women: Community Responses from the Battered Women's Movement and the Asian American Community*, 3 Asian L.J. 151, 165 (1996).

¹⁵ LESLYE E. ORLOFF & RACHEL LITTLE, SOMEWHERE TO TURN: MAKING DOMESTIC VIOLENCE SERVICES ACCESSIBLE TO BATTERED IMMIGRANT WOMEN: A "HOW TO" MANUAL FOR BATTERED WOMEN'S ADVOCATES AND SERVICE PROVIDERS 63 (1999).

¹⁶ ORLOFF & LITTLE at 62.

Next, programs should investigate the language resources of local community-based agencies serving immigrant populations, universities, law schools, community colleges, and the local American Red Cross. It is important to make a list of all community and state organizations that work with linguistic, racial, and cultural minority populations, including churches and religious organizations, cultural organizations, language organizations/associations, community medical clinics, pregnancy programs, high-risk family programs, youth programs, ESL classes, legal advocacy agencies, women's organizations affiliated with religious congregations or cultural/ethnic community centers, immigrant associations, homeless shelters, GED programs, mental health programs, and community organizations. Another language resource that advocates and attorneys should consider are individuals who have technical or specific language expertise such as nurses, police officers, emergency dispatch staff, child and adult protection services staff, social workers, educators, and attorneys.

To ensure that interpreters are familiar with the vocabulary and laws applicable to domestic violence and are comfortable in a shelter or agency setting, interpreters should receive the same intensive training on domestic violence issues as provided to agency staff and volunteers. Interpreters should also receive some training in basic immigration law provisions that affect battered immigrants and be knowledgeable about community resources used by the agency to supplement its services to battered women. Because interpreters may be asked to accompany immigrant clients to social services and counseling appointments, it is helpful for them to understand how these programs function.

The following is a list of actions that the advocate or attorney should take before and during client interviews:¹⁷

- Attempt to choose an interpreter from the interpreter pool who has been trained and who is appropriate in terms of gender, age, class, etc.;
- Look for interpreters who speak the same dialect as the client in order to avoid misunderstandings;
- Make it clear to the client that both advocates/attorneys and interpreters are bound by agency confidentiality rules;
- Speak through the interpreter using simple, jargon-free sentences;
- Avoid colloquialism, idioms, slang, and similes since they can be confusing and often impossible to translate;
- Speak directly to and look at the client as the interpreter translates and actively look at and listen to the client as she speaks. Listening to the client shows the client respect and ensures that the attorney or advocate does not ignore her body language.
- Give the interpreter time to interpret by framing questions in short sentences, speaking slowly, and pausing often.
- Ask the client to answer questions slowly, to break after every few sentences, and to concentrate on what she plans to say next while the interpreter translates.
- Inform the client to ask for clarifications when she needs them.
- Give the interpreter one or two short breaks if the session is long.
- Have the interpreter ask the client to repeat the information communicated if clarification is necessary. Allow plenty of time for interviews and testimony presented in court with interpreters.¹⁸
- In court, encourage the judge to be realistic about how long the case will take using the interpreter. Take the time to present the case in the same manner as in a case not using interpreters. Do not succumb to pressure from opposing counsel or the court to shorten the case because interpretation takes longer. The client has the right to a fair trial.

ALTERNATIVE INTERPRETATION RESOURCES

If there are a limited number of resources in an advocate or attorney's area, or if the battered woman seeking assistance speaks a language that is not common within the community, the advocate or attorney may contact state domestic violence immigrant organizations or coalitions, local university language departments, or professional interpretation companies for assistance. Some professional interpreters or professional

¹⁷ *Id.* at 64-65.

¹⁸ See, ROHINI ANAND & LAURA K. SHIPLER, CULTURAL CONSIDERATIONS IN ASSISTING VICTIMS OF CRIME (1999).

interpretation companies will do pro bono or reduced cost work in cases of victims of domestic violence. If the attorney or advocate has no other options, interpreters may be accessed through the AT&T Language Line, which provides interpretation services in 160 different languages, 24 hours a day. The Language Line can be used on a speakerphone during intake sessions and meetings or during hotline calls or in-person interviews. Some courts will use these services for emergency hearings. AT&T charges by the minute and it can be very expensive. For more information, or to discuss specific interpretation needs, the Language Line account manager may be reached by calling (800) 752-0093. For a free recorded demonstration of AT&T's Language Line services call (800) 321-0301.

The National Domestic Violence Hotline has bilingual Spanish-speaking advocates and attorneys who take calls at all times, as well as a contract with the AT&T Language Line to help translate for non-English and non-Spanish speaking women. If an advocate or attorney's organization provides shelter services and has a client with whom the staff absolutely cannot communicate, the operator at the National Domestic Violence Hotline will speak directly to that client and provide her with basic information in her native language. The Hotline can also help make referrals to the client and provide brief interpretation in order to help the advocate or attorney identify the emergency needs of the client. However, the Hotline is not equipped to offer professional interpreting services and it cannot translate entire intake sessions or client meetings. Clients, advocates and attorneys can reach the Hotline at (800) 799-SAFE (7233).

INTERPRETERS TO AVOID

It is important to make sure that the interpreter is a neutral third party. Using the client's children or companion as an interpreter is extremely dangerous for the client, particularly if her companion is her abuser, her abuser's friend or her abuser's family member. The client may be too intimidated to speak openly in front of a friend or child in order to protect them from the truth or out of embarrassment. Additionally, children of abuse victims may be traumatized by the abuse or fear that the abuser may punish them if they were to help the victimized parent. If the client has brought someone with her to the interview to do the interpreting, the advocate or attorney should consider calling the National Domestic Violence Hotline for brief interpretation services. The person working the Hotline can play an important role in uncovering whether the victim feels comfortable and safe using a friend or family member as an interpreter.

Service agencies should bear in mind that interpretation is a difficult skill, and just because a person is bilingual does not mean that he or she has the necessary skills to effectively interpret for clients and advocates/attorneys. Those who are not appropriately trained may filter what they hear and interpret main concepts instead of actual words spoken, which can change the meaning of what is being said. Untrained interpreters may also ignore much of the client's answer to a question and translate only that portion of the client's response that they deem directly answers the question asked. When this happens, much important information that the attorney or advocate needs from the client is lost. Another problem that may arise is that statements may lose meaning if the interpreter is not conscious of differences in vocabulary. Spanish speakers from different countries, for example, may use different words to express the same object, occurrence, or idea. Using professional interpreters and repeating back to the client key information can minimize all of these problems.

All potential interpreters should be screened to determine that they are sensitive to domestic violence issues, are impartial, and are willing to sign a confidentiality agreement. Screening interpreters is particularly important in small communities or if an agency is using volunteer interpreters. Advocates and attorneys should also check for conflicts of interests by determining, on a case-by-case basis, whether the interpreter has any relationships with the victim, the batterer, or their community. This is another instance in which brief assistance from the National Domestic Violence Hotline can be helpful by providing an opportunity, after the client has met the interpreter, to privately interview the client without the interpreter present to discover if the client has any concerns about the interpreter.

Well-trained interpreters who support the work of an agency are valuable resources. They provide important services when working in conjunction with advocates and attorneys. Interpreters also ensure that the needs of clients are being met, offer support to immigrant victims, and protect them from further violence. Finally, the

presence of interpreters sends the message to the immigrant community that their domestic violence needs can be addressed and are recognized by the advocate or attorney's organization.

Interacting with the Client – Empathize, Educate, Empower

While the client tells her story the advocate or attorney should listen carefully and empathetically and demonstrating to her that both interest and desire to help. One useful method is reflective listening. This involves clarifying what the client has said by repeating what you heard her say, rephrasing statements, and reflecting ideas and values. The advocate or attorney should also pay attention to, and be aware of, nonverbal cues displayed by the client. If the client needs a break, the advocate/attorney should take time to sit in silence until the client can continue with the interview.

Advocates and attorneys should allow the client to vent her emotions. This is especially important if the client has had to repress these feelings for a long time. After listening to her vent, the advocate/attorney should help the client calm down since it may be more difficult to understand her if she is upset. The advocate/attorney should be sensitive toward the client's feelings, pay attention to the manner in which she speaks and try to understand the client's needs, fears, and concerns so that appropriate forms of relief can be easily identified. .

Attorneys and advocates should be aware of their own prejudices regarding immigrants and avoid acting on them. It is important not to be judgmental, to allow the client to choose options she wants to pursue, and to respect the client's wishes. Furthermore, the client may be apprehensive about revealing information that she considers to be private or that she is ashamed of. Therefore, the client should be reassured that anything she says to the advocate/attorney or the interpreter will be kept confidential.

During the interview, the client may sit and listen to the advocate or attorney without asking any questions. This should not be presumed to be a sign of understanding on her part. Attorneys and advocates should remember that the attorney/advocate – client relationship may be different in the client's culture, and certain behaviors may have different connotations. The goal is to understand and appreciate different communication styles while, at the same time, recognizing one's own individual style and using it as a basis for comparing styles used by others. The client may refrain from asking questions or expressing her lack of understanding out of politeness or fear. She may be coming from a relationship, culture, or family in which she is not allowed to ask questions or in which questioning authority is inappropriate. Therefore, the advocate/attorney should gauge the client's comprehension by stopping frequently and asking her to repeat what was just said.

Attorneys and advocates should bear in mind that they may be the first person with whom their client has shared information about her abuse, and they should therefore assure their client that what happened to her was not her fault and that she is not to blame in any way.¹⁹ There are several messages that are important for attorneys and advocates to communicate:²⁰

- The abuse that she has been through is unjust, unfair, and illegal, and because of that, she is eligible for protection under United States law.
- She is not to blame. There was most likely very little that she could have done to prevent the abuse.
- She is very strong and courageous for having survived and for seeking help.
- The worst is behind her.
- She should to repeat to herself, "I am a strong woman. What happened to me does not change who I am. The best is yet to come."

¹⁹ LESLYE E. ORLOFF & RACHEL LITTLE, SOMEWHERE TO TURN: MAKING DOMESTIC VIOLENCE SERVICES ACCESSIBLE TO BATTERED IMMIGRANT WOMEN: A "HOW TO" MANUAL FOR BATTERED WOMEN'S ADVOCATES AND SERVICE PROVIDERS 59 (1999).

²⁰ See, ATHENA VISCUSI & GWEN FORREST-BRAKE, PRE-INTAKE INFORMATION FOR WOMEN SEEKING ASSISTANCE FROM ABUSE (2002).

In addition, the client should be encouraged to speak to a mental health professional. Advocates and attorneys should develop and provide clients with an updated mental health referral list that includes organizations experienced in working with immigrants and with victims of domestic violence or sexual assault. The list should include the names and phone numbers for the following:

- National Domestic Violence Hotline (800-799-SAFE, TDD: 800-787-3224);
- Local domestic violence or rape crisis hotlines;
- Counseling programs for victims;
- Children’s counseling programs;
- Counseling programs for immigrants and refugees.

If the client seems unable to feel hopeful or positive about her future, or if she talks about harming herself, the advocate/attorney should give her the number of a suicide hotline (800-SUICIDE) and instruct her to call it if she ever feels hopeless, as though she has no way of escaping her abusive partner, or if she is considering hurting herself.²¹ The advocate/attorney should help her develop a plan so that she will have a safe place from which she can make such a call.

After the client has told her story, the advocate should educate the client regarding her options and help her to explore them. Discuss the client’s resources and explain to her any potential remedies that are available, including civil and criminal legal options, social services, community-based services, faith-based programs, and women’s groups. As always, it is important to avoid jargon and to state alternative scenarios and options in simple, layperson language.

The U.S. legal system may be very different from the legal system in a client’s home country. Thus, when explaining legal rights advocates and attorneys should make certain that the client understands everything being said. The client should be encouraged to obtain an emergency or temporary protection order and a full civil protection order if she feels that she is in immediate danger. If she wishes to obtain a protection order, the advocate or attorney should help the client create a list of remedies she would like included in her order so as to ensure that the protection order addresses as many potential areas of conflict between the client and her abuser as possible.²²

The advocate or attorney should counsel his or her client about ways of coping with a painful interview. If she has no friends or family members living close by, one idea is to provide her with a long-distance calling card so that she can communicate with a person with whom she is close. Other options to suggest to the client may be:

- Scheduling a pleasant activity for after the interview. Activities may include watching a movie or meeting up with a close friend.
- Bringing a friend to the interview so that she has support after the interview is over.
- Informing her friends about the interview beforehand and asking them to contact her later to check up on her.
- Scheduling an appointment with a mental health professional (if she is seeing one) to help her process the interview.
- Writing her thoughts and feelings in a journal. The client should be advised to be completely honest about her feelings even if she has negative thoughts about those who are trying to help her.
- Attending a service or meeting with a religious person if religion is a significant part of her life.²³
- Repeating to herself constantly that she is a strong person, that what happened to her will not change who she is, and that the best is yet to come.

²¹ ORLOFF & LITTLE at 52-67.

²² Leslye E. Orloff, *Effective Advocacy for Domestic Violence Victims: Role of the Nurse-Midwife*, 41 J. NURSE-MIDWIFERY 473, 484 (1996). See Chapter 9 of this manual for a full discussion of the types of traditional and creative protection order remedies that can be helpful to immigrant victims.

²³ Some clergy may need additional training or information about domestic violence so that their counsel is most helpful to your client. For training materials for faith-based groups on domestic violence, contact Rev. Dr. Marie M. Fortune (Center for the Prevention of Sexual and Domestic Violence) at 206-634-1903 or cpsdv@cpsdv.org

It is important to involve the client in coming up with solutions to reduce or end the abuse against her. It is possible that she has never had the opportunity to make decisions on her own. Providing her with such an opportunity will not only be challenging for her but will also encourage her to take charge of her future. Advocates and attorneys should remember that a client who understands her own case will gain confidence in herself, will feel trusted and respected, and will be better able to assist the advocate/attorney in collecting information useful to her case. After the client chooses a method of action, the advocate/attorney should explain to her, as much as she is able to understand, each element of her case.²⁴

The advocate or attorney should assure the client that she does not have to endure her partner's beatings in silence and that his violence is against the law in this country. The advocate/attorney should inform her that she is not alone. There are many women in the United States from her cultural community as well as other cultural communities who have suffered domestic violence in similar situations. The advocate/attorney should explain to the client that there are many people who are able to help her and should offer her specific information and a few numbers to call, even if she is not immediately ready to accept or use them. The advocate or attorney should also discuss with the client whether she has a safe place to keep this information so that she can access it when she needs it. (Some women may decline to take the information out of fear that their abusers will find it.) The following services can assist the survivor in building her life outside the abusive relationship:

- Mental health professionals;
- Local domestic violence shelters, and rape crisis centers;
- Victim advocacy programs;
- Specialized domestic violence units (police department, court, prosecutor's office);
- Legal services providers;
- Emergency financial assistance programs;
- Immigrant rights organizations;
- Social service organizations that serve the immigrant community;
- Batterer's intervention programs to which the court should refer her abuser.

Help Clients to Make Informed Choices

Domestic violence is a pattern of coercive behavior that can include sexual, physical, psychological, economic, and social elements of abuse. Abusers of immigrant women employ specific tactics that are unique to immigrants in their assertions of control over their victims. Advocates and attorneys should understand the many challenges that battered immigrant women face in making the decision to leave their abusers.

There are several factors that may dissuade a battered immigrant woman from leaving her violent partner. First, she may fear being stigmatized or ostracized by her community for leaving her partner, even if he is abusing her. She may also be advised by friends and family members whom she trusts to endure her suffering and be a "better wife." The battered immigrant woman may be dependent on her abuser for immigration status. If the abuser has legal immigration status in the United States as a U.S. citizen, a lawful permanent resident, or as an immigrant visa holder, she may believe that she is totally dependent on him for immigration status.²⁵ She may also fear that if she leaves her abuser he will obtain legal custody of and/or will cut her off from seeing her children.²⁶ Additionally, as with non-immigrant battered women, she may be financially dependent on her abuser or may fear further or escalated violence once she leaves.

Attorneys and advocates should be aware of all of the difficulties faced by the client, validate the client's concerns, help her decide upon options to pursue that will enhance her safety, and respect her ultimate decision. It is as important to offer meaningful help to the clients who choose to stay with their abusers as to

²⁴ ORLOFF & LITTLE at 55.

²⁵ A.B.A. COMM'N ON DOMESTIC VIOLENCE, 2000-2001, DOMESTIC VIOLENCE AND IMMIGRATION: APPLYING THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT: A TRAINING MANUAL FOR ATTORNEYS AND ADVOCATES 13 (2001).

²⁶ *Id.*

those who choose to leave their abusers. If the client has children and is considering moving with the children, the advocate or attorney should identify existing court orders and statutes to find out how moving to another state or county with the children may affect a custody case.

Safety Planning

Safety planning is crucial for all battered women, both women separating from their abusers and women who are not ready to leave their abusers. The violence can escalate exponentially at any time. Thus, women who initially choose to stay may decide to leave and should be prepared to do so. Safety planning is equally important for women in the process of leaving their abusers because an attempt to leave often increases the danger of violence, including the risk of death.²⁷ When a victim seeks help she is taking the first step towards independence. The abuser may view this act as a threat to his sense of control, thus placing the victim and/or her children in more danger. An abuser may begin stalking the victim and/or her children or take other violent action against the woman who successfully left him.

The advocate or attorney should be prepared to help the client strategize to make her life better, regardless of whether she ultimately decides to stay or leave her batterer. If the client decides to remain with her batterer, the advocate or attorney should work on safety-planning strategies with her and remind her that the agency's services are available to her now and at any time she needs help in the future, whether or not another incident of abuse occurs. Battered immigrants who are not separating from their abusers should be helped to obtain a full contact protection order, which can significantly enhance safety in most cases.²⁸ Those who qualify should also be helped to file for VAWA-related immigration relief, for which they can apply without the abuser's knowledge or assistance.²⁹

Discussing safety planning with the client is an important part of the interview process between the battered immigrant woman and the advocate/attorney. Safety planning is a step-by-step process through which the attorney or advocate and the client discuss various actions that the client can take to remain safe and plan for emergency situations. Safety planning may also serve as an empowering exercise for the client who may feel as if she has lost control of her life. Attorneys and advocates should be aware that the client knows best when it is safest to leave an abuser, what actions may be most likely to put her at risk, and what her needs are at any particular time. Clients may be better equipped to protect themselves while they are in the process of getting legal and financial assistance if they have developed a safety plan.

Attorneys and advocates should read through the following Safety Plan with their clients and assist them in completing it. They should remind clients that it is crucial to their safety that they keep this guide in a safe place, away from their abusers.

SAFETY MEASURES:³⁰

1. Contact a domestic violence hotline in your area and find out information about laws, shelters, and other resources that are available to you before you need them in a crisis. If you are considering staying at a local shelter for battered women, you should know the phone number of the shelter so you can call them if and when you decide to leave.
2. Create a safety exit from your place of residence. Practice a safety escape plan with your children. What doors, windows, elevators, stairwells or fire escapes would you use?
3. Plan the safest time to get away.

²⁷ U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, INTIMATE PARTNER VIOLENCE, 1993-2001, 2 (Feb, 2003). In the year 2000, 33.5% of female murder victims were killed by an intimate partner.

²⁸ See Chapter 9 in this manual for a full discussion of protection orders and immigrant victims.

²⁹ See Chapter 4 of this manual for VAWA-related immigration relief information.

³⁰ NOW LEGAL DEF. AND EDUC. FUND AND ORGANIZACIÓN EN CAL. DE LÍDERES CAMPESINAS, INC., ADVOCACY TO IMPROVE SERVICES FOR BATTERED MIGRANT AND IMMIGRANT WOMEN LIVING IN RURAL COMMUNITIES: A MANUAL 41-53 (2003).

4. Tell someone what is happening to you. If possible, inform your neighbors of your situation and tell them to call the police if they hear any suspicious noises coming from your home. You can also arrange a signal with neighbors to let them know you are in danger, i.e., flashing lights, and have them call the police when they are signaled. You might also have a code word with your children or friends so they can call for help.
5. Know where you can go for help. Check with close friends and/or relatives if you can stay with them in an emergency until you can find a more permanent residence, or you can obtain a temporary protection order that removes the abuser from your home and protects you and your children while you continue living in your home.³¹
6. Prepare a suitcase with important items and documents that you will need if you decide to leave your abuser in the future. Make sure to prepare this suitcase in advance and keep it at the home of a trusted friend or relative. Some of the documents can be stored with a domestic violence lawyer or with a battered women's advocate. The following should be kept in the suitcase:
 - a spare set of house keys;
 - a set of clothes for you and your children;
 - prescriptions;
 - some money;
 - social security cards for you and your children;
 - children's school records;
 - children's immunization records;
 - children's special toys;
 - phone numbers of friends and relatives;
 - phone numbers of domestic violence programs that you can call for help;
 - a copy of your civil protection order (and any other court orders);
 - copies of important papers, including those you might need for your immigration case, such as any immigration papers, e.g.:
 - I-94
 - copies of visa applications
 - work permits
 - marriage certificate
 - photographs of your wedding
 - wedding invitations
 - love letters from your husband
 - copies of police reports and medical records
 - photographs of your injuries
 - copies of your husband's birth certificate, social security card, green card or certificate of naturalization
 - divorce papers from your previous marriages or from your spouse's previous marriages
 - papers that show you have lived with your husband in the United States (e.g., copies of your lease/rental agreement, utility bills, mortgage payment book, etc.)
 - papers that you might need in order to prove the abuse, to get a protection order or prosecute the abuser, to take care of your children, or to obtain child custody and child support.
 - any other important materials for you and your children's daily activities.

³¹ The disruption of having to leave their houses makes it hard for many victims to choose to separate. A victim may be more willing to make the choice to separate if she can remain in her home with the protection offered by a protection order that removes the abuser from the home and orders him to stay away. Advocates and attorneys should work with the victim to do a lethality assessment. If it appears that it is too dangerous for the victim to remain in a location known to the abuser, options for safe housing should be explored, including a domestic violence shelter or the homes of friends or family members (with the protection of a protection order).

7. In an emergency escape, you must take your children with you, if at all possible. Check with a friend/relative with whom you plan to stay with in an emergency whether you can bring your children with you. Although domestic violence shelters generally allow you to bring children, some homeless shelters do not accept children. You should investigate rules before you leave. Although it may seem more sensible to leave school-age children at home if you do not know where you are escaping to, or for what length of time, failing to take the children with you could make it more difficult to regain custody of your children should you decide not to return. The overwhelming majority of battered women who flee with their children receive legal custody of their children from the courts. Further, if you leave your children with your partner, you will also leave your partner with a very effective tool he can use to continue to control your life.
8. Teach your children to dial 911 in an emergency.
9. Plan with your children and identify a safe place for them if another domestic violence incident should occur -- a room with a strong lock or a neighbor's house where they can go for help. Reassure them that their job is to stay safe, not to protect you.
10. Inform school personnel about who can pick up children from school. If you obtain a protection order, give them a copy so that they can call the police in case they have any problems with the abuser. Also, provide child-care workers and staff at your children's school with a copy of the protection order and a list of people who are allowed to pick up the children.
11. In case your abuser is able to abduct your children, plan with the children how they can try and prevent the abduction. Teach them how to call out for help if they are abducted from a public place. Instruct them to call the police or to place a collect call to you, a trusted friend, your religious leader, or a family member if they are abducted by the abuser.
12. Have an easily accessible place to keep car keys, purse/wallet and any other essential items should you have to leave in a hurry.
13. Take photographs of any injuries you sustain. Also, take photographs of torn clothing, broken property, and furniture in disarray. Take these photographs when it is safe to do so and leave copies of the photographs and the negatives in a safe place outside the home. Preserve any evidence of abuse (ripped clothes, photos of bruises, and injuries, etc.). Should you ever decide to take legal action against your abuser, seek legal custody of your children, or seek legal immigration status as a battered immigrant, you will need these items and documents. Remember to keep this evidence and photographs in a safe place, away from your abuser.
14. Open a savings account in order to have access to money you may need if you decide to leave your abuser. Make sure to have account statements sent to a safe place.
15. Keep change for phone calls at all times so that you can make phone calls from outside your home. If you are living with your abuser and you call from your home phone for help, information, or assistance related to the abuse, be sure to dial another phone number that your abuser will not consider suspicious or that he would not question after this call so that he cannot discover what number you last called. Examples might include the church, a store you call regularly, a family member, etc.

To keep your telephone communications confidential you must either use coins or get a friend to permit you to use his or her telephone credit card for a limited time when you first leave. Alternatively, you could purchase a telephone card with a limited number of minutes and leave it in a safe place to use in making calls for advice or assistance. These purchases should be made with cash. Make sure the card company does not send any bill to the house you share with your abuser. If you use your telephone credit card billed to your home, your abuser will be able to discover the numbers that you have called if he has access to your phone bill.

16. If you could not escape a recent violent incident, or if the violence seems to be escalating, you can have your abuser removed from the family home by getting a temporary protection order. This protection order can also require that your abuser: not re-enter the home, give his house keys over to the police, and not contact you. A battered women's advocate can help you in getting a temporary protection order.
17. Learn about the cycle of violence and learn to recognize when a violent episode may occur. If you can, leave the house before an attack takes place.
18. If you foresee an outbreak of violence, try to move away from weapons to a low-risk place, i.e., a place where there is an exit to the outside (avoid bathrooms, kitchens and the garage.)
19. Use your judgment and intuition. If the situation is very serious, try to find a way to give your partner what he wants, to calm him down. You have to protect yourself until you and your children are out of danger.
20. Do not use any weapons to defend yourself against your abuser. If at all possible, do not fight back against your abuser. You could be arrested if the police are called and you are unable to convince the police that you were defending yourself, particularly if the abuser can show injuries you caused him. Your best approach is to try to escape the violence, call the police, or have someone call the police for you.³²
21. Call the police if you are in danger and need help. The police will help you if you are a victim of domestic violence or any other crime, even if you are undocumented. The police should not ask you any questions about your immigration status, and you are not required to answer if they do ask. In such a case, tell them that you want to speak with a lawyer.
22. If you are injured, go to a hospital emergency room or doctor and report what has happened to you. Ask that they document your visit. If your abuser insists on taking you to the hospital, ask that you be interviewed in private, if it is safe to do so. Hospitals are supposed to separate you from any one who brings you to the hospital so that they will not interview you in front of your abuser and further endanger you.

Considering Shelter as Part of Safety Planning

Advocates and attorneys should inform their clients that both documented AND undocumented battered immigrants are entitled to emergency and short-term shelter programs and that shelters and short-term transitional housing programs cannot ask them questions about their immigration status in order to offer them services. Advocates/attorneys can also advise their clients to let the shelter know of any special food she eats and ask them to cook food that is familiar to her and her children. The client can also let the shelter know what sleeping arrangements are comfortable for her and if she has any special religious needs.

Another issue that the advocate/attorney and a client should consider, when assessing the client's case and making plans for her safety, is the possibility that she may need language assistance when seeking refuge at a shelter, especially if the shelter does not employ a multilingual or multicultural staff. Under these circumstances, the attorney/advocate should accompany the client to the shelter to help translate during the intake interview and explain the shelter rules to the client. The advocate or attorney should also assist the shelter in locating an impartial translator who can help the client communicate throughout her stay in the shelter.

³² If the police arrest you, do not plead guilty to anything. Be sure that your criminal lawyer consults with an expert on criminal and immigration law. See the Criminal Chapter of this manual for a discussion of issues that arise for battered immigrants who enter the justice system as defendants in criminal cases.

Finally, the advocate or attorney should discuss the shelter rules with shelter workers, and identify those rules that may pose a problem for the client. The attorney/advocate should negotiate arrangements with the shelter that will make your client feel more comfortable. The arrangements can often include amendments in application of certain shelter rules and procedures to your client.³³

SAFETY AFTER THE SURVIVOR LEAVES HER ABUSER:

- Once the abuser is removed, change all the locks in your house. If possible, obtain locks or bars installed on your windows, a security system, and door wedges. If you live on an upper story, install rope ladders. Also make sure to install smoke detectors and fire extinguishers. If necessary, the abuser can be ordered, in the protection order, to cover these costs.
- If you have a rented home, ask the landlord if you can change to another unit. Have the name on the lease changed to yours. Request that building employees be notified that your abuser has been barred from the building and provide the building management with a copy of the protection order for their records. Let them know that they can call the police if they see your abuser near or inside the building.
- Tell neighbors, close friends, co-workers, and family members that you have separated from your abuser. Ask them to inform you if they see your abuser around your house, workplace, or car.
- If you are moving out of the home you share with your abuser, make sure you do so when the abuser is at work or not at home.
- Once in your own home, make sure you get an unlisted telephone number. You can arrange, with the phone company, to have all information regarding your phone number and billing address only accessible to people with a certain password. If you and your abuser have a large outstanding bill due to the phone company, you will have difficulty getting a new number. Ask your lawyer or advocate to negotiate with the phone company for a payment plan that will allow you to get a new phone number quickly. Local churches (and other faith-based organizations), charities, and victims of crime assistance associations, may be able to help you pay off the phone bill in order for you to have a phone to use to call 911 for police assistance.
- If you are living in a hidden location, you should have your mail sent to a post office box or to the home of a trusted friend, family member or your attorney so that your abuser cannot find you. When going to pick up your mail, make sure that your abuser is not following you. Make sure to provide the post office with a copy of your protection order and tell them not to provide the abuser with any information about your forwarding address.
- In order to further protect yourself, you might consider changing your name.

SAFETY AT WORK:

- If you work for an employer that has several locations and if you are in grave danger in your current town, consider asking that you be relocated.
- If you have a good relationship with your employer, let your supervisors know about the abuse so that they can be supportive of you if you need time off work in order to go to a training on safety measures for battered immigrant women or to court proceedings, etc. Ask your employer if you can vary the times you work so that the abuser is not able easily to follow you to and from work.

³³ For a full discussion of how shelter rules can be amended to be more culturally sensitive to the needs of immigrant women, see "Somewhere to Turn" Chapter 5: Shelter Protocols.

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- Get a protection order that would require that your abuser stay away from you, and not contact you, at your workplace. Give a copy of the protection order to your employer in order to show them that you are taking steps to protect them and yourself from the abuser.
- Make sure to keep a copy of the protection order with you at work in case of an emergency.
- Let your supervisor, employer, and building security officers at work know that you have, or are planning to, leave your abuser and that you do not want to receive phone calls from him or have him allowed into your workplace.
- In case your abuser tries to contact you at work, arrange to have caller id on your phone or to have your calls screened by someone.
- Inform co-workers of danger from your abuser. Make sure that you specially inform receptionists and employees that have offices near the stairwells, large windows, or entry doors. Show them a picture of your abuser and ask them to call security if they see him around or inside the building.

ECONOMIC ASSISTANCE:

- Economic assistance can help you and your children support yourselves when you leave your batterer. You can receive assistance from government and non-governmental organizations. Contact your local domestic violence program for further information about resources available to you. These resources could include:
- *Rent, mortgage, or utility bills:* Local churches, community groups, and the Red Cross may have emergency funds that can help you for a month or two. However, this is not long-term assistance. For long-term assistance consider getting a roommate, living with a family member, or pursuing a protection order that requires your abuser to pay the rent, spousal support or child support.
- *Food:* No matter what your immigration status, you and your children are entitled to receive food from local food banks. If your children are citizens, they qualify for food stamps and you can file on their behalf.³⁴
- *Money to cover changes made for security:* You can sometimes have these costs covered through the Red Cross. You can also arrange for the abuser to be ordered to pay for the costs in your protection order.
- *Money to pay medical bills:* You may be eligible for the local crime-victims compensation program to pay for your medical bills. You can also have your abuser ordered to pay your medical bills as part of your protection order or through his insurance plan.

³⁴ See the Public Benefits chapter 4 of this manual for a full discussion of public benefits you and your children may qualify for.