

Considerations for Responding to Survivors Who Are Immigrants or Refugees

Adapted from the Georgia SART Guide by Delia Lopez and Mariana Rodriguez, UMOs

*The victim specific or cultural consideration section is designed to help SART members understand victims from diverse cultures to ensure all victims are served with respect regardless of their background. This section is intended to be a tool to help professionals; however, it is the responsibility of each SART member to integrate culturally relevant and responsive care into their services for victims. It is hoped that SARTs will utilize these considerations to increase their understanding of diversity and learn ways to serve victims with respect to their cultural background and identities.*¹

Important Definitions Related to Immigrants/Refugees²

Torture: "...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing them for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."³

Refugee: "(A)...any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable to unwilling to return to, and is unable or unwilling to avail himself/herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or

(B)...any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. A person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he/she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion."⁴

Asylee: "...an individual who has won a claim for asylum. Asylees are eligible to work in the United States and may be able to travel internationally. One year after winning asylum, an

¹ *Georgia Sexual Assault Response Team Guide*. 2021. [2021sartguidev2-final.pdf \(svrga.org\)](https://www.svrga.org/2021sartguidev2-final.pdf)

² This section was developed for the Georgia SART Guide with the assistance of the [Center for Victims of Torture](https://www.cvtorture.org/).

³ United Nations Convention Against Torture. (December 1984). Convention Against Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment. <https://treaties.un.org/doc/publication/unts/volume%201465/volume-1465-i-24841-english.pdf>

⁴ Immigration and Nationality Act. (2008). <https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/act.html>

asylee may apply for legal permanent residence; however, there is currently a backlog of over ten years in processing these applications.”⁵

Asylum: “...a form of relief for which nationals of other countries can apply if they have suffered persecution in their home countries or if they have a well-founded fear of future persecution on account of certain protected characteristics. Persecution on account of sexual orientation, transgender identity, and HIV positive status has been found to be grounds for asylum.”⁵

Immigrant: “...this is a technical legal term which means a foreign national who has been granted permission to remain in the United States permanently, which is a “legal permanent resident” or “green card holder” and as such is distinguished from a “non-immigrant” who comes to the United States on a temporary visa. The term “immigrant” is often used more broadly to mean any person who is not a United States citizen.”⁵

General Considerations

Please consider the following when working with immigrant and refugee victims of sexual violence. Understand the knowledge, life experiences, the complexity of resettlement into another country, and the individual courage of each immigrant/refugee to flee their country. Recognize and validate that moving to another country involves the loss of an entire world, traditional ways of living, and the challenge of starting a new life.

Develop an appreciation of the victim’s life before the trauma. Try to understand and acknowledge the victim’s strengths, roles, and other aspects of their identity. Ask the victim what their hobbies or interests were prior to the trauma. What did they enjoy doing? Focus on who they are as an individual. This consideration is important to establish rapport with the victim and will be the foundation to building a relationship together.

Torture and long-term violence derive from circumstances of longstanding political conflicts and oppression. For others, events such as war, in a previously intact society will create hardship and adversity in family and individual lives.

Western professionals often consider trauma as an isolated experience (one sexual assault). However, refugees experience human rights abuse that are called the “refugee experience.” Typically, there is no end to the ongoing destruction of their family, property, and community back home and there is no end to the events they experience as life threatening, such as deportation.

Be understanding of the various issues that may arise in adjusting to a new country, including low social and economic status, lack of legal status, language barriers, transportation barriers, loss of identity and/or roles, bad news from home, unemployment, under-employment, racial or ethnic discrimination, inadequate housing, family separation or unification, unmet expectations, shock of new climate or geography, symptoms of depression, and/or anxiety or PTSD.

⁵ www.immigrationequality.org

Due to barriers of accessing services, victims often need advocacy, case management and/or a supportive person to accompany them to meetings, making reports, or working with authority figures.

Be aware of the generational effects of ethnic torture and abuse. Not all generations living in the United States have directly been affected by torture and/or violence. However, the historical effects of violence often impact grandparents, parents, children, and future children. There are many symptoms victims experience after feeling torture and violence. Professionals should consider the following lasting effects that break down one's ability to heal in current circumstances:

- Distrust of relationships, service providers, one's body and mind, or with family and friends;
- Disempowerment and helplessness, as many victims feel a sense of unpredictability and lack of control when experiencing violence;
- Need for empowerment;
- Shame and humiliation that undermines identity and prevents victims from talking about their traumatic experiences;
- Fear of not being believed by a professional; and
- Rage and angered response to the situation and current circumstances

Law Enforcement Consideration

Victims may be reluctant to trust governmental agencies in the United States. It is best if law enforcement and the court systems work to build rapport with immigrant/refugee victims and the community before engaging in difficult questions or offering support. Law enforcement and court systems must develop standard practices of informing immigrant/refugee victims of their rights, regardless of their status. This includes their right to report incidents of violence and participating in the judicial process. In addition, law enforcement will include implementing practices that will eliminate language barriers (language line, bilingual officers, certified interpreters, and bilingual written information). Law enforcement must not use family members, children, and/or others to translate on behalf of the victims.

Medical and Mental Health Considerations

Professionals must be aware of the obstacles to accessing health care and social services, including: transportation, childcare needs, language and cultural barriers, ineligibility for services due to lack of insurance or immigration status, increased stigma of mental health issues, racism, and classism.

Immigrant/refugee victims may feel ashamed or afraid to seek medical care because of previous experiences with governmental agencies, fear of arrest while in the hospital and/or fear that clinics will refuse to treat members of certain communities.

Clinicians working with victims must consider mental health issues in a conceptual framework that goes beyond PTSD or major depressive disorders – the framework must incorporate the historical and political context in which the trauma originated.

Lingering body pains and physical symptoms often create daily reminders of previous violence experiences. This may create an added fear of developing disabilities or impaired functioning due to the long-term effects of violence and torture.

In some cultures, the loss of virginity is an issue of extreme importance because it impacts the victim's future honorable marriage. Also, religious doctrines may prohibit a female from disrobing in the presence of a male who is not her husband. Medical professionals must be sensitive to these issues.

This project was supported by grant #2016-WE-AX-0042 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.