

SAFVIC ON THE SCENE

THE IMPACT OF DOMESTIC VIOLENCE IN THE WORKPLACE

INSIDE THIS ISSUE:

| | |
|--|---|
| <i>VAWA 2005 - Summary of Immigration Provisions</i> | 2 |
| <i>New Resource for Immigration Help</i> | 2 |
| <i>Featured Agency: SAHELI</i> | 3 |
| <i>SAVE the DATE...</i> | 4 |
| <i>Featured Book: Transforming a Rape Culture</i> | 4 |



**Forty-four percent
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Of the approximately 1.7 million incidents of workplace violence that occur in the United States every year, 18,700 are committed by one of the following intimate partners: a current or former spouse, lover, partner, or boyfriend/girlfriend.¹ Domestic violence does not stay at home while the victims go to work. It can follow them, resulting in violence in the workplace. This potential for violence poses a threat not only to the victim, but also to the safety and well being of co-workers, clients, customers and the general public.² While employees are expected to leave their problems and personal lives at home and focus on their jobs, employers have realized that personal problems affect job performance, and job performance affects the bottom line.³

Corporate Alliance to End Partner Violence (CAEPV) a national non-profit organization that addresses domestic violence as a workplace issue. CAEPV is an alliance of corporations and businesses throughout the U.S. that has united to educate and aid in the prevention of partner violence. CAEPV commissioned a national benchmark survey designed to discover how the general U.S. employee population perceives domestic violence as a workplace issue.⁴ This telephone survey was conducted by SJR, a research and communications firm, during the summer of 2005. The definition of domestic violence throughout the survey was "the use of physical, sexual, or emotional abuse or threats to control another person who is a current or former husband, wife or other intimate partner such as a boyfriend or girlfriend."

SJR surveyed 1,200 full-time employed U.S. adults, which were 62% female and 38% male. The survey respondents were primarily Caucasian (80%), with the only other statistically significant categories being African-American (8%) and Hispanic/Latino (3%). The respondents could opt out at any time during the survey and it is possible that more women chose to continue to take the

survey once they found out it was about domestic violence. Income levels were relatively evenly distributed, 28% of the respondents made \$35,000 and below, 22% made \$35,000 to \$75,000, and 22% made more than \$75,000. Thirty-one percent (31%) of the respondents had a high school education or less and 46% had at least a college education.³

More than half of respondents are somewhat to very aware of domestic violence being a workplace issue. They were either aware of the problem because a co-worker or a co-worker's family member was a victim, their own family member was a victim, or a co-worker was a perpetrator. Forty-four percent (44%) of employed adults surveyed personally experienced the impact of domestic violence in their workplace. Sixty-four percent (64%) of victims indicated that their ability to work was somewhat to significantly affected by the violence. These victims noted that domestic violence impacted their working lives in the following ways: distraction, fear of discovery, harassment at work (either by phone or in person), tardiness, and fear of unexpected visits, inability to complete assignments on time, problems with their boss and job loss.⁴

Even non-victims felt the impact of domestic violence in the workplace. Co-workers reported that the victim's domestic violence situation affected them in a variety of ways such as having to do the victim's work, covering for the victim, or making excuses for their absences. In addition, 38% of respondents were somewhat to extremely concerned for their own safety when they found out a co-worker was a victim.²

Among other major findings, 66% of the respondents indicated they were not aware of their employer having a workplace domestic violence policy.⁴ Of the employers that did offer some form of assistance, victims noted that it was difficult to utilize available programs, policies or support. Barriers to

New Resource for Immigration Help



The Center for Human Rights and Constitutional Law (CHRCL) is currently managing a nationwide legal services program called “Voces Unidas” that provides technical support in the areas of VAWA-U-SIJ Mexican national case applications.

The Voces Unidas immigrant resource database has over 3,300 entries searchable by 80 categories and location, including where to get police reports, law enforcement DV units, free legal service providers, shelters for immigrants, etc. The program operated in four states (CA, AZ, IL and TX) in 2005 and is expanding to serve other states this year.

See www.vocesunidas.org (VAWA and U project) for more information.

VAWA 2005 Summary of the Immigration Provisions

While VAWA 1994 and 2000 made significant progress in reducing violence against immigrant women, VAWA 2005 eliminates some of the major obstacles immigrant crime survivors face in achieving safety and legal immigration status.

VAWA 2005 aims to stop the deportation of immigrant victims of domestic abuse, sexual assault, or trafficking in several ways.

- First, it gives VAWA-eligible applicants the opportunity to file one VAWA motion to reopen to pursue VAWA relief, by exempting VAWA cancellation of removal or suspension of deportation applicants from applicable deadlines and numerical limits, provided that they are physically present in the U.S. at the time of filing.
- Second, VAWA 2005 exempts VAWA petitioners, cancellation of removal or suspension of deportation applicants from the penalties for failing to depart the U.S. after agreeing to do so, if their victimization was at least one central reason for failure to depart.
- Third, VAWA 2005 adds battery or extreme cruelty to the list of exceptional circumstances in removal proceedings for motions to reopen in absentia orders.
- Finally, it improves VAWA cancellation of removal through technical amendment so judges can grant VAWA 2000 domestic violence victim waivers, and amends the good moral character definition to clarify that a prior removal order does not constitute a bar to establishing good moral character.

Crime and Trafficking Victims

- Extends duration of U and T visas for up to four years, with the option to extend year by year if law enforcement certifies that such extension is necessary to assist in the criminal investigation or prosecution.
- Improves protection for children of U visa recipients by allowing them to receive U visas without having to first show that the visas are necessary to avoid extreme hardship or without having to obtain a government certification attesting that a criminal investigation or prosecution would be harmed without the assistance of those family members. It also enhances protection for trafficking victims by allowing those whose physical or psychological trauma impedes their ability to cooperate with law enforcement to seek a waiver of this requirement.

VAWA 2005 Extends Immigration Relief to a Larger Group of Family Violence Victims

- Expands VAWA self-petitioning to elder abuse victims who have been battered or subjected to extreme cruelty by their U.S. citizen son or daughter.
- Protects child abuse and incest victims by allowing them to self-petition up to age 25 so long as the child abuse was at least one central reason for the filing delay.
- Protects adopted children of abusive adoptive parents or family members by allowing them to obtain permanent residency even if they have not been in legal custody of, and have not resided with, the adoptive parent for at least two years.
- Does not allow an alien who was a VAWA petitioner or was granted a T or U visa, to file an application on behalf of the person who committed the battery, extreme cruelty, or trafficking that established the individual's eligibility as a VAWA petitioner, or T or U visa holder.

VAWA 2005 Provides Stability for Trafficking Victims

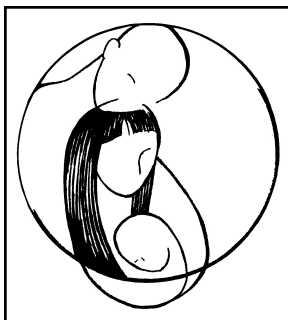
- Improves access to permanent residency for trafficking victims by providing them an exception to the penalties for being unlawfully present where the trafficking was at least one central reason for the unlawful presence.
- Clarifies that when victims of trafficking respond to and cooperate with requests for evidence and information, they are participating in investigations and prosecutions for purposes of T visa certification.
- Protects trafficking victims' family members living abroad and reunites family members by allowing them to receive T visas without having to show extreme hardship.

Provides for Economic Security for Immigrant Victims and Their Children

- Guarantees access to legal services for immigrant victims by authorizing any Legal Services Corporation funded program to use any source of funding, including LSC funding, to represent any victim of domestic abuse, sexual assault, trafficking, or other crime, regardless of the victim's immigration or marital status.

See VAWA - Immigration Provisions, page 4

FEATURED AGENCY:



SAHELI for Asian Families is a nonprofit organization based in Austin, Texas, that provides free critical services to Asian families dealing with domestic violence

and sexual assault. We envision a society based on healthy relationships, and move towards this goal by helping and empowering Asian victims and survivors of abuse, improving their access to services and increasing community awareness of various forms of violence and oppression.

Despite higher rates of domestic violence and sexual assault in Asian communities, Asian victims are less likely to report the abuse. Reasons include:

- Language barriers
- Lack of knowledge about existing legal protections, immigration laws and service agencies
- Threats to immigration status

- Lack of support from family, friends and community
- Cultural practices and/or beliefs not understood by mainstream service agencies

SAHELI helps Asian survivors by providing culture-sensitive peer counseling and advocacy. Trained volunteer interpreters, that speak a variety of Asian languages, are available for any domestic violence and sexual assault cases. Aside from advocacy, SAHELI has a strong community education focus, providing presentations to local service providers on best practices when working with the Asian population and cultural competency issues.

Written materials on SAHELI services and domestic violence prevention have been translated into the following languages: Bengali, Chinese, Gujarati, Hindi, Japanese, Korean, Tagalog, Tamil, Urdu, and Vietnamese.

If you are interested in volunteering or learning more please call 512-703-8745 or visit www.saheli-austin.org.

Written by Sonia Ladha of SAHELI For Asian Families.

SAHELI
Support Advocate
Heal Empower
Listen Inform

*To nominate a Victim
Service Agency for the
next issue of
**SAFVIC on the
Scene,**
contact
Nicole Martinez
at
nicole.martinez@tmpa.org*

Domestic Violence In Workplace, from cover

accessing support included concerns about confidentiality, concerns that seeking help would jeopardize job/career advancement, lack of information about the services, and lack of a designated contact person.

The survey highlights the fact that U.S. employers have full-time employees who are victims of domestic violence and that non-victim co-workers recognize the impact of this issue in the workplace. It appears that a majority of U.S. businesses are not currently addressing domestic violence as a workplace issue, even though it is affecting one in five members of the U.S. workforce. Employees responding to this survey gave important insights into what should be included in a workplace program and victims provided particularly important information. This survey serves as a starting point to share the importance of addressing domestic violence as a workplace issue with employers.³ For more information about creating workplace domestic violence policies, visit www.caepv.org/about/program_k.asp

1. American Institute on Domestic Violence, Domestic Violence Targets the Heart of American Business, 2001, Retrieved August 29, 2006, <http://www.aidv-usa.com/Statistis.htm>.
2. Wells, Kim M.A., Domestic Violence Report, National Benchmark Survey: The Impact of Domestic Violence on the American Workplace, April/May 2006 Issue.
3. Family Violence Prevention Fund, Get the Facts – Domestic Violence and the Workplace, Retrieved August 29, 2006, <http://endabuse.org/programs.htm>.
4. Corporate Alliance to End Partner Violence, CAEPV National Benchmark Telephone Survey, Retrieved August 29, 2006, http://www.caepv.org/about/programs_k.asp.



Sexual Assault Family Violence Investigators Course

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SAVE THE DATE...

Collin County Council on Family Violence 4th Annual Facing Family Violence Conference



The Collin County Council on Family Violence (CCCFV) 4th Annual Facing Family Violence Conference is scheduled for October 19 - 20, 2006 at the Collin County Community College Conference Center Spring Creek Campus in Plano. The conference will offer a wide variety of keynote topics and speakers. SAFVIC Instructors Jeff Rich and Tony Bradley will be presenting "Domestic Violence Investigative Techniques."

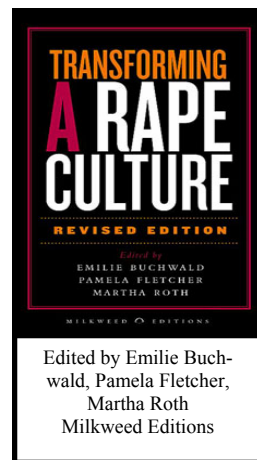
The CCCFV is a countywide collaboration between local government, law enforcement, the District Attorney's office, probation, business community, social services, faith community, education districts, legal community and healthcare, working together to more effectively address family violence in our community. The CCCFV strives to eliminate and respond to family violence by a coordinated, comprehensive, effective effort, which includes education, prevention, intervention, and seamless 24-hour assistance. For more information on keynote topics, speakers or to register for the conference, please visit www.ccc-fv.org or call 972-769-1142. CCCFV is an initiative of the Junior League of Plano.

FEATURED BOOK:

TRANSFORMING A RAPE CULTURE REVISED EDITION, 2004

Originally published in hardcover in 1993, *Transforming a Rape Culture* has provided a new understanding of sexual violence and its origins in this culture. This groundbreaking work seeks nothing less than fundamental cultural change: the transformation of basic attitudes about power, gender, race, and sexuality.

The book's statistics have been thoroughly updated, as have essays about sexual violence in K-12 schools and in the church. New pieces from within America's immigrant communities depict struggles with domestic violence, sexual harassment, and community stigmas against reporting rape. This violence, not limited to one race, creed, or nationality, has its roots in cultural biases that are still much in need of change.



VAWA - Immigration Provisions from page 2

- Allows victims with approved VAWA petitions and T visas to obtain employment authorization.

VAWA 2005 includes improvements in processing VAWA cases and technical amendments.

International Marriage Broker Regulation ("IMBRA")

- Mandates that U.S. citizens filing K visa petitions disclose criminal background information to international marriage brokers and to DHS. DHS will be required to transmit this criminal history information, along with results of any database search, to the foreign fiancée or spouse. This information will be compiled into a domestic abuse pamphlet, created by DOS, DHS, and DOJ, and distributed to all foreign fiancées and

spouses. The pamphlet will also include information on domestic abuse laws and resources for immigrant victims in the U.S.

- International Marriage Brokers themselves are now subject to federal regulation. They are prohibited from sharing any information on minors with any person or entity. They also cannot give U.S. clients information on a foreign national until they have searched sex offender registries, collected criminal and family backgrounds, provided background information and the domestic abuse pamphlet to the foreign national, and received written consent from the foreign national to share her contact information.

For more information on VAWA 2005 Immigration, go to www.legalmomentum.org. For more information on IMBRA, visit the Tahirih Justice Center website at: www.tahirih.org.

This article was taken directly from the Domestic Violence Report, Volume 11, No. 4 and was written by Joanne Lin, Esq., Leslye Orloff, Esq., and Heather Saeed, Esq.