



## Improving Access for Underserved Populations

presented by  
Rosie Hidalgo, JD  
Director of Public Policy



# Casa de Esperanza

- Starting from a small group of Latina activists in St. Paul, Minnesota in 1982, Casa de Esperanza has grown into the leading national Latin@ organization addressing domestic violence



- Our mission—to mobilize Latin@ communities to end domestic violence—is served through our five **core values**:
  - Latina leadership
  - Entrepreneurship
  - Organizational excellence
  - Living free of violence
  - Community-driven solutions
- We recognize that it is the **community** that will end domestic violence, not any system or organization
- We emphasize developing **social capital** (i.e. trust, reciprocity, information and cooperation) because we believe it decreases domestic violence

national  
**latin@**  
network  
casa de esperanza

# The National Latin@ Network for Healthy Families and Communities

---

- The National Latin@ Network is a project of Casa de Esperanza that is working at ending domestic violence and promoting the health and well-being of Latin@ communities around the country.
- The main goals of the National Latin@ Network are:
  - Increasing **meaningful access** to services and support for Latinas experiencing domestic violence
  - Developing culturally relevant **tools and trainings** for advocates and practitioners
  - Conducting culturally relevant **research** that explores the context in which Latin@ families experience violence
  - Interjecting the lived realities of Latin@s into **policy** making processes so that laws and policies better support efforts to prevent and end intimate partner violence



national  
**latin@**  
network  
casa de esperanza

# The National Latin@ Network

---

- To accomplish these goals, the network uses the following strategies:
  - Providing training and consultations to practitioners and activists throughout the US and Latin America
  - Organizing national and regional events
  - Engaging in federal and state public **policy advocacy**, and conducting **research** on issues that affect Latin@s in the US and abroad



# Reauthorization of VAWA in 2013

- Made important advancements in addressing the needs of marginalized populations that face heightened vulnerabilities, in particular:
  - ❖ Native Americans
  - ❖ LGBT survivors
  - ❖ Immigrant Survivors
- Solidarity of the DV/SA Movement to stand together and say this needed to be about protection for ALL victims/survivors

# Tribal Jurisdiction

- Tribal jurisdiction over crimes of domestic violence
  - Recognizes and affirms tribal criminal jurisdiction over all persons committing domestic violence, dating violence, and violation of protection orders within Indian country
  - Exceptions for when neither party is Indian, or when defendant lacks significant ties to Tribe
  - Tribal jurisdiction is concurrent with state and/or federal
  - Defendants have a right to trial by jury and habeas corpus
  - Authorizes \$5M in grants to tribes to build criminal justice infrastructure
- Tribal protection orders
  - Clarifies tribal courts' full civil jurisdiction to issue and enforce CPOs over all persons

# LGBT Survivors

- Adds “intimate partner” to eligible relationships in “domestic violence” definition
- Definition of “underserved” includes sexual orientation and gender identity
- Adds civil rights provision applicable to all OVW grantees: prohibiting discrimination on the basis of sexual orientation and gender identity—as well as other protected grounds
- Creates a new purpose area in STOP grants allowing funds to be used for projects serving LGBT victims

# Immigration

- Maintains all current immigration remedies for survivors; does not change the number of available U visas
- Provides “age-out fix” for derivative U visa applicants:
  - Will continue to be classified as children even if they turn 21 while their parent’s application or their own is still pending (retroactive)
- Adds “stalking” and “foreign labor contracting” to the categories of qualifying crimes for the U visa
- Extends hardship waiver available to battered immigrant spouses where underlying marriage was invalid because of bigamy unbeknownst to the non-citizen victim spouse
- Other enhancements included



# International Marriage Broker Regulation Act (IMBRA)

- Requires US sponsors to disclose on their visa applications for foreign fiancé(e)s and spouses any protective orders or convictions for “attempted domestic and sexual violence crimes”
- Clarifies international marriage brokers (IMBs) obligations re: obtaining and disclosing information about US clients’ criminal background or protection order history
- Requires IMBs to keep records of compliance with IMBRA’s prohibition on marketing children
- Clarifies criminal penalties for IMB violations and expands enforcement
- Creates a penalty for US clients who intentionally lie about or withhold safety-relevant IMBRA-required background disclosures
- Requires the AG to report to Congress on how violations of IMBRA will be investigated and prosecuted
- Requires an updated GAO study on the effect of IMBRA

# Underserved Populations

**Underserved populations.**— The term “underserved populations” means populations who face barriers in accessing and using victim services, and includes populations underserved because of

- geographic location,
- religion,
- sexual orientation,
- gender identity,
- underserved racial and ethnic populations,
- populations underserved because of special needs, such as
  - language barriers,
  - disabilities,
  - alienage status, or
  - age, and

any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

# Culturally Specific

**Culturally specific services.**— The term “culturally specific services” means community-based services that offer culturally relevant and linguistically specific services and resources to culturally specific communities.

**Culturally specific.** — The term “culturally specific” means primarily directed toward racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300-u-6(g))).

# Barriers to Seeking Help for Survivors from Underserved Populations

---

- Lack of knowledge of their rights
- Fears of the Police and Judicial System, of deportation, of social services and child welfare agencies, etc.
- Linguistic and Cultural barriers
- Discrimination
- Economic and Employment challenges
- Isolation from family and community
- Other

# Importance of Strengths-Based Advocacy

---

- Acknowledging the survivor's courage and strength.
- Asking the survivor what her/his goals and priorities are.
- Understanding and building community resources and networks.
- Strengthening Community Engagement

# Putting Resources in the Hands of Communities

- Essential to build leadership and capacity, innovative approaches, and more accessible pathways to help marginalized populations (while also striving to ensure that all mainstream services are accessible)
  - VAWA Grants for Culturally Specific Services Programs focused on racial and ethnic minority communities
  - VAWA Grants for Underserved Populations
- Critical issues of sustainability

# Creating a Comprehensive Framework

---

## Fundamental guidelines:

- DV violates the **human rights** of survivors & their children by creating unsafe & fearful environments.
- Their **safety** must be central to any work we do.
- Safety is unattainable unless we practice **cultural and linguistic competency** consistently and improve access at the organizational and individual level.



# U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally

“The United States has a strong interest in preventing and responding to gender-based violence around the world. Regardless of the form that gender-based violence takes, it is a **human rights violation** or abuse, a public health challenge, and a barrier to civic, social, political, and economic participation....

Gender-based violence undermines not only the safety, dignity, overall health status, and human rights of the millions of individuals who experience it, but also the public health, economic stability, and security of nations.”

- Published August, 2012 by U.S. State Department and USAID



# International Human Rights Framework

Provides alternative channels through which to advocate for

- ❖ Fundamental Rights for all
- ❖ Social Change
- ❖ Institutional Reform

# Redefining Core Services from a human rights perspective

- Issues of accessibility to core services for marginalized populations beyond a one-size-fits all approach
- Ensuring access to services regardless of immigration status
- Ensuring meaningful access to individuals with Limited English Proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964
  - Critical to life and safety
  - Abusive to use children as interpreters in DV/SA cases

# Growth in LEP Population

---

- Number of LEP individuals in the United States grew by 80% from 1990-2010.
- Highest concentration of LEP individuals are found in the top 6 immigration-destination states (CA, TX, NY, FL, IL, NJ) that together represent 68% of the total LEP population.
- Foreign-born Population in Idaho:
  - 96,568 (2012 Census report)
  - 6.1% of state population
  - 50.7% growth from 2000-2012; 121% change since 1990
- English Proficiency among foreign-born Population in Idaho
  - speak only English: 19.8%
  - speak English “very well”: 31%
  - speak English less than very well (LEP): 49.2%

# Linguistic Changes Over Time

---

- In 1990 the top 5 languages spoken by LEP individuals: Spanish, Chinese, French, Italian and German.
- In 2000: Vietnamese, Korean and Russian in positions 3-5; By 2010 Russian replaced by Tagalog.
- Different top languages between and within states.
- Of the 40 million foreign-born individuals in 2010, 52% were LEP; 48% spoke English.
- Children of immigrants learn English at very rapid rates; generational differences stark.

# National DV Hotline Survey

- Six-week survey in August of 2012
- 1,305 Latina callers participated in the survey
- 583 (45%) said they were foreign-born
- 39% of foreign-born Latinas said they were afraid of calling the police or going to court for help as a result of the general immigration situation
- 31% of Spanish speakers said they encountered language barriers in trying to seek services (1 in 4 callers had never reached out for services before calling the Hotline)

# Immigration Reform Advocacy as critical human rights issue

- Tremendous vulnerability of millions of undocumented women to abuse and exploitation
- Increasing entanglement between local law enforcement and federal immigration enforcement drives victims further into the shadows making victims too fearful to seek help and further increasing vulnerability
- Families being torn apart
  - 400,000 deportations a year (nearly 2 million under this Administration) – compared to 40,000 per year in 1992
- Programs such as “Secure Communities” heighten risks of dual arrests, racial profiling and pre-textual arrests

# Story of Nelly Fuentes

---

- Lived in San Francisco and last year the neighbors called police when her boyfriend was beating her up.
- Due to lack of language access she was not able to explain what had happened and the police arrested both her and her boyfriend.
- Even though no charges were brought against her, she was detained under Secure Communities and placed in detention awaiting deportation for 8 months until able to obtain U visa.
- Significant chilling effect and increased fear for victims or witnesses to call the police

# Community Engagement and Collaboration

---





# Meaningful Collaborations

- ❖ Promote authentic collaborations that are based on respect for each organization's unique contributions, equitably shared power and shared resources
- ❖ Deepen collaborations through on-going relationship-building, support and participation in community events and programs, regular meetings and communication, and essential conversations
- ❖ Build the power of collaboration by focusing on shared vision and goals to address cultural and linguistic access, not limited to funding or project deliverables.

# Community Engagement

---

- grounded and guided by the community's expertise
- only happens when community is at the center
- done in partnership with community
- about putting the tools, resources and supports in the hands of community
- about creating leadership opportunities for community to take on the work

# Community Engagement and Collaboration

---

That means that when we engage community in these conversations, we need to be prepared to (1) listen to community; and (2) take action on what community is telling us.

Our work becomes about being responsive to community identified needs, where we work to put the tools, resources and supports in the hands of community so that they take leadership in getting involved.

# Community Engagement and Collaboration

---

- It starts with an agreement that agencies, programs, organizations and services will work together to ensure that they are providing appropriate resources and access to services.
- It requires ongoing communication and sharing of information, resources and tools between the collaborative group, as well as working together with LEP survivors to ensure that their needs are met.

# Community Engagement and Collaboration

---

- Collaboration requires the following from everyone involved:
  - Flexibility
  - Ability to be open-minded
  - Coordination with partners
  - Ongoing, effective communication
  - Cross-training and networking
  - Intentionality and reflection
  - Established protocols and evaluation processes

# Small Group Discussion

- Break into groups of 5-7. Imagine all in your group are from one jurisdiction. You can choose among your table or make up a fictional jurisdiction.
- Identify one or two underserved groups from that jurisdiction for whom you want to increase prevention and access to services
- Identify Goals and items in an Action Plan

# Building for the Future

---

The future well-being of this nation is dependent on:

- our ability to embrace diversity,
- build cross-cultural understanding,
- help each individual to realize his/her own potential, and
- build a more just, non-violent society that vigorously protects the human rights of all individuals.



*“All of life is interrelated. We are all caught in an inescapable network of mutuality, tied to a single garment of destiny. Whatever affects one directly affects all indirectly.”*

*- Martin Luther King*



# Contact Information

---

Rosie Hidalgo, JD  
Director of Public Policy

Email:

[rhidalgo@casadeesperanza.org](mailto:rhidalgo@casadeesperanza.org)

Phone: (703) 942-5582

Web page:

[www.casadeesperanza.org](http://www.casadeesperanza.org)

[www.nationallatinonetwork.org](http://www.nationallatinonetwork.org)

[www.teinvito.org](http://www.teinvito.org)



[casadeesperanza.org](http://casadeesperanza.org)

national  
latin@  
network  
casa de esperanza

[nationallatinonetwork.org](http://nationallatinonetwork.org)