

Systemic Barrier: Through the Lenses of Monolingual Survivors featuring 2 South Asian Case Studies

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Two stories of two survivors: Bilingual vs. Monolingual

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Client of Case A:
Indian nationality,
Hindi and English
speaking

Client of Case B:
Bangladeshi
nationality, Bangla
speaking

Case A:

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- Our client immigrated here from India with her husband.
- After getting married and having 2 children, she was subject to abuse and sexual harassment. She has given the declaration of the mental, emotional, physical, and financial abuse by her husband for the past 15 years and was diagnosed with depression and received therapy.
- He abandoned them, selling his car, and removing his name from the lease before leaving the country. He was on a work visa and they were dependent on him so they lost their status too.
- They were left with no family or financial support and couldn't access any public benefits, leaving them in a state with no food, no means to pay their rent, and no health insurance.
- All three of them, mother and children, are traumatized as they live in constant fear that he may come back and harm them.

Case A: Assistance and Language-based Advantage

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- SAN provided her with counseling, case management, U-visa application, and divorce in collaboration with another legal aid organization. Our volunteer took her to the police station and assisted with forms. We were able to help her access the Covid-19 rent relief program and wrote her a reasonable accommodation letter when her landlord tried to evict her. When she found a new apartment, we helped her move out, provided groceries for a month, and motivated her to get a job.
- During her restraining order hearing, she was able to establish her story, detail her abusive history, and convince the judge to grant the order and give her full custody of the children.
- Her husband tried to spin the case into an immigration issue, not a domestic violence issue.
- She was able to ask her abuser questions through cross-examination in court to prove he was guilty of everything she accused him of.

Case B:

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- Our second client, from Bangladesh, was married to her husband for 8 years since 2014. He sponsored her to come to the U.S. in 2017 so she was completely dependent on him after moving here.
- The husband tried to extort money from our client and her family through the disguise of a dowry which she had never agreed to. This issue spiraled into daily verbal/physical/emotional abuse and financial control.
- He would often grab her hair, tie her hands up, and place blinders on her eyes. He then would physically attack her. This repeated offense caused head injuries and hearing loss. She finally called the police after enduring this for years and the police issued an EPO, causing the husband to run away.
- This all occurred in front of her 1-year-old daughter who is now traumatized and is experiencing severe anxiety and lack of appetite. He has threatened to divorce her and take off his name from the lease to leave her homeless.
- He has violated the emergency protective order, so our client is seeking a restraining order from him for herself and her daughter. Due to her limitations, she never had courage to move out and take a shelter.

Case B: Language-Based Disadvantage

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- Despite SAN's countless efforts and assistance, this client's case has not been as successful as intended.
- Her being monolingual and not well versed in the English language deferred her from establishing her story of abuse in court.
- Her police reports were not accurate because during the incidents, she was not able to convey the abuse and the police saw them as equals, deeming them both unfit to care for their child.
- The case was moved from the family court to a children's court and our client lost custody of her child.
- The burden to prove her innocence and her abuse fell onto her instead of the court who should have investigated her husband.
- Due to the negligence of the court, she had to submit ample evidence, witness reports, LAPD detective's reports, etc. to prove she was being abused.

Case B: Continued

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- The family court judge ordered a no visitation hold on the father for the child until the next hearing.
- Once the case was moved to the children's court, they granted the father visitation rights because of their set of laws and forced our client to give her child to the father the next day.
- SAN had to fight the system and to uphold the previous judge's orders from the family court and to make sure visitation was granted only if it was proven safe for the child to be with their father.
- The client's language barrier was not taken into consideration in court to the point where her interpreter was double-booked and rushed her to make her statements short.
- Our client had SAN translate her statement and because of this, the judge accused her of not writing her own statement and degraded her to the point of tears.

Moving Forward: Language Guidance and Support System

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To find ways to provide meaningful access to language and interpretation services.

- No matter what language the LEP client speaks, the justice system needs to have more interpreters for more languages widely available and bridge the language gap.
- Uphold Title VI CRA and ACA Section 1557
- Provide all 5 types of interpretations: Consecutive, Simultaneous, Whisper, Over-the-phone, and On-demand interpreting.

To reveal ways for trauma-based support system, benefits for survivors.

- Psychological effects of trauma can prevent the victims from seeking and using the services available to support them.
- When survivors access the services, staff that are not trained well enough to understand different types of trauma can disempower the client and make them more vulnerable.
- Trauma education and training on how to handle the different victims is important.
- Training for law enforcement agents and public defenders is also crucial- psychological skills that are cognitive, emotional, social, and moral are important to strengthen the relationship between them and community members, especially those with limited methods of communication.

Continued

- These agents of law need proper training to specifically deal with clients seeking U-Visas and VAWA immigration petitions.
 - There needs to be a system in place where the agents are educated on the dynamics of the various types of domestic violence and sexual assault abuses and the contemporary challenges that immigrants face in these cases.
- Continuous advocacy and lobbying is needed to create a judgement free environment for survivors that will empower them to tell their stories.

Education on Victim-blaming

- Victim-blaming: “a devaluing act that occurs when the victim of a crime or an accident is held responsible for the crimes that have been committed against them.”
 - To stop victim-blaming, it is important to share stories to depict the importance of use of proper language to capture the real scenario.
 - Domestic violence survivors (DVS) are not forced to make their story less aggressive and put burden on their shoulder to prove themselves/to get blamed for reporting without reasonable cause.
 - DVS often carry the fear of not being able to establish the case and that their story won't be believed.
 - Judges and attorneys often blame the victim in court for their circumstances:
 - There are cases where they accuse the victim of manipulating the family courts to get a restraining order, to ultimately receive the immigration status.
 - Some clients were not accepted in shelters as they don't have the same language capacity.

Exercise: Open Discussion

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More Law enforcement agencies staff need to take DV classes

Classes on dynamics and importance of language barrier of DV survivors

To show uplifting best practices: Implementing Trauma Informed Care holistically

Initiatives and organizations must approach advocacy and systemic change

The Bigger Picture

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To create a survivor focused support system

To increase resources and ensuring equal distribution of resources

To make judges accountable for traumatizing survivors and create standards for TRO hearings. For example, allowing oral and written statements.

If the court cannot provide an interpreter, then allowing survivors to bring their own resources to interpret

One centralized information system that shows one abuser has cases under family law, criminal law, and civil law. Social services department work closely to help the victims not establishing their own rules.

Immigrant survivors can proudly practice their culture, religion, and enjoy their rights. They can become independent and empowered to leave abusive relationships and avail safe housing and enjoy their violence free lives.

SAN AWAZ Program's Nationwide Service Coverage: 9 States

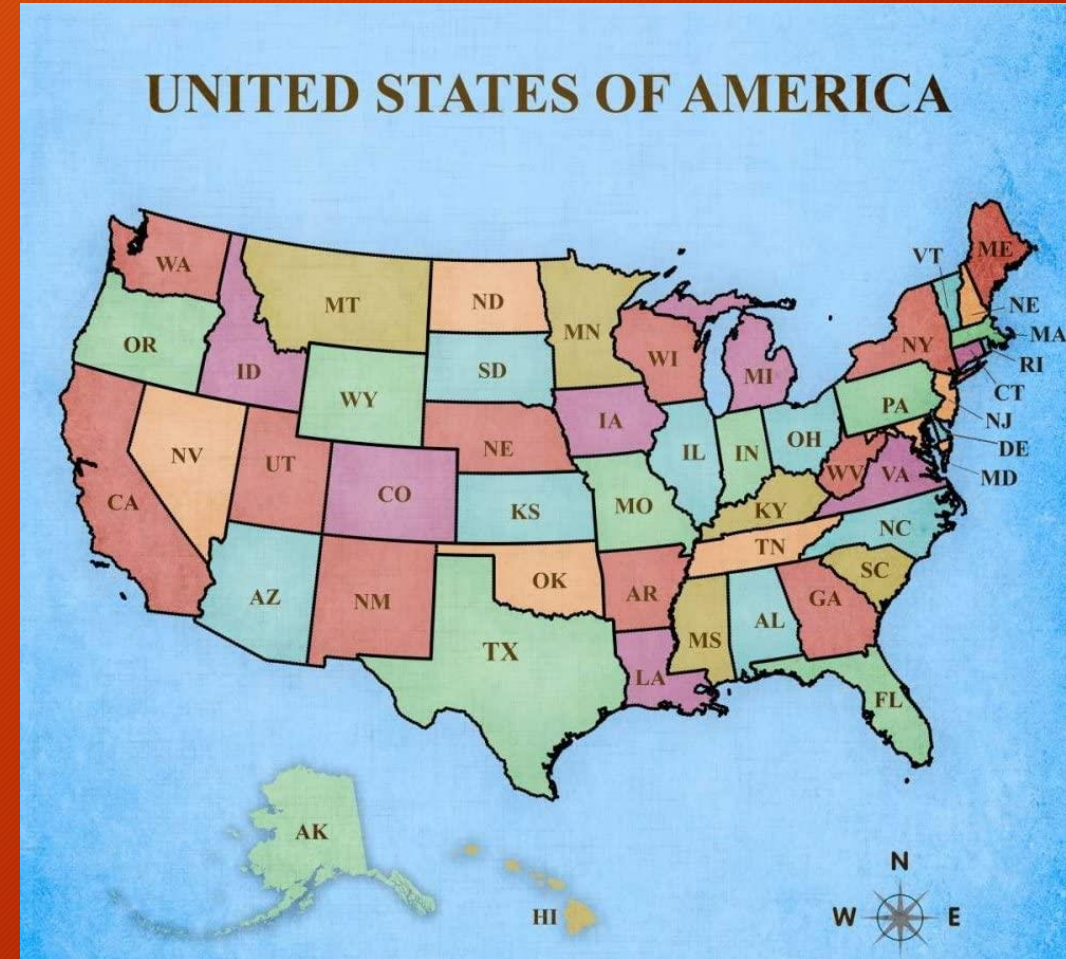
SAN AWAZ team has offered services to 200+ survivors and families last year in multiple states using 5 different South Asian languages.

- Clients were from: New York, Virginia, Florida, Texas, South Carolina, Minnesota, Mississippi, California, and Washington DC.

If you know someone who needs help, please refer them to South Asian Network (SAN)!

SAN Programs:

- **Our Voices Against Violence (AWAZ) program** empowers survivors of violence,
- **Community Health Action Initiative (CHAI)** promotes healthy living and access to healthcare,
- **Citizenship & Civic Engagement (CCE) Program** provides citizenship assistance and civic engagement opportunities.
- **Emotional & Mental Health (EMH) Program** provides therapy and workshops for health living,
- **Hate Crime Program** provides resources and trainings for bystanders and survivors of a hate crime.



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❖ Thank you, धन्यवाद, धन्यवाद, شکریہ,
ਤੁਹਾਡਾ ਧੰਨਵਾਦ

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