



# SEXUAL VIOLENCE AGAINST FARMWORKERS: A Guidebook for Criminal Justice Professionals





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**Created through a joint partnership of  
California Rural Legal Assistance, Inc.  
Esperanza: The Immigrant Women's Legal Initiative  
of the Southern Poverty Law Center  
Lideres Campesinas and Victim Rights Law Center**

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# THE PROJECT

The Farmworker Sexual Violence Technical Assistance Project is a partnership of California Rural Legal Assistance, Inc.; Esperanza: The Immigrant Women's Legal Initiative of the Southern Poverty Law Center; Líderes Campesinas; and the Victim Rights Law Center. It was launched in September 2008 through a grant from the U.S. Department of Justice's Office on Violence Against Women.

Together, we offer training and technical assistance to OVW grantees to accomplish three shared goals:

1. Increase the availability and quality of legal assistance provided to victims of non-intimate partner sexual violence living within farmworker communities;
2. Establish safety plans for farmworkers who experience non-intimate partner sexual violence, particularly for those living in labor camps; and
3. Increase the knowledge base of attorneys, advocates and law enforcement on the challenges and issues facing farmworkers who experience non-intimate partner sexual violence.

To access resources created by our partnership, including one-on-one technical assistance requests, guidebooks and trainings, please visit [www.crla.org/svi](http://www.crla.org/svi).



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# INTRODUCTION

The goal of this guidebook is to increase the knowledge and skills of criminal justice professionals so that you can better serve farmworkers who have experienced sexual violence. It provides helpful explanations about the life and work of farmworkers as well as unique issues that may impact the services you provide. Each section presents a distinct topic, concluding with questions designed to engage you in better assisting farmworker victims of sexual violence in your community.

Sexual violence within the farmworker community is a pervasive problem. Though farmworker men and children experience sexual violence, women are particularly vulnerable. Ninety percent of female farmworkers in the United States report that workplace sexual violence is a “major problem.”<sup>1</sup> The San Francisco District Office of the U.S. Equal Employment Opportunity Commission found that “hundreds, if not thousands, of [farmworker] women had to have sex with supervisors to get or keep jobs and/or put up with a constant barrage of grabbing and touching and propositions for sex by supervisors.”<sup>2</sup>

Farmworker victims of sexual violence often suffer in silence. They may have profound fears of losing their jobs, adverse action by law enforcement including immigration officials, and other forms of retaliation against them or their families. Victims may not know their legal rights. They may have no one to reach out to in an unfamiliar community, isolated by language, distance, culture and lack of transportation. They may experience deep shame if the community and family members learn about the sexual violence. Perpetrators of sexual violence, including employers, supervisors, co-workers and housing providers frequently use these fears and conditions to exert power and control over their victims.



Given this complicated position, the brave victims who come forward to report sexual violence may need help with a range of services including civil, criminal and immigration legal services. Their civil legal needs may encompass issues related to their physical and mental health care, physical and mental disabilities, privacy, housing, education, employment, and financial stability, including public benefits.

For the purposes of this guidebook, social service providers are defined as those professionals and organizations, both government and nongovernmental, who offer a broad range of services including health care, mental health care, case management, crisis intervention, victim advocacy, housing, food, public benefits, education and job skills training.

Few farmworkers report non-intimate partner sexual violence. This is, in part, because of the barriers farmworkers must overcome to seek help. It is also, however, due to the availability of few advocates, lawyers, social service providers, law enforcement, and medical and mental healthcare providers who are knowledgeable about both non-intimate partner sexual violence and farmworker communities. We welcome you to a growing cadre of professionals who are gaining experience in this underserved area of sexual violence response work. We are interested in learning more from you about your successes in creating connections with farmworkers, creating partnerships in your communities and creating new solutions to non-intimate partner sexual violence response and prevention.

Please visit [www.crla.org/svi](http://www.crla.org/svi) for more information and to contact us for technical assistance.



# WHAT IS SEXUAL VIOLENCE?

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**Defining sexual violence:** For purposes of this guidebook, sexual violence is defined as any unwanted sexual act, including but not limited to touching, voyeurism, exhibitionism, sexual assault and rape, perpetrated against a person through force or coercion. Coercion includes, but is not limited to, intimidation, threats of deportation and/or malicious prosecution, physical harm, being refused for hire or being fired from a job.

Sexual comments and some forms of sexual harassment fall within the definition of sexual violence used in this guidebook, but may not rise to the level of criminal acts. Sexual comments are often used to exploit, harass, demean, frighten and injure a victim. Perpetrators often make sexual comments and use sexual harassment as a way of testing (or “grooming”) victims to determine how they might respond to sexual assault or rape. In all cases of sexual violence—those that meet the criminal definition of assault, rape, or stalking, and those that do not—there are often civil legal remedies available to victims. Law enforcement officials should be prepared to make appropriate referrals to civil legal attorneys to address the broad scope of sexual violence victims’ needs. In some cases it may be necessary and important to ensure that a civil attorney or a criminal defense attorney is also available to help the victim through the criminal proceedings as a victim-witness advocate or, in the case of a defense attorney, where the victim has been accused of a crime by the perpetrator.



**Non-intimate partner vs. intimate partner sexual violence:** This guidebook focuses on non-intimate partner sexual violence. By this, we mean violence perpetrated by someone who is not married to, partnered with or involved in a consensual, ongoing sexual relationship with the victim. The perpetrator may still be someone known to the victim, such as an educator, employer, supervisor, co-worker, landlord, roommate or acquaintance, or the perpetrator could be a stranger. Sexual violence against farmworkers can occur at a workplace, labor camp, in an educational setting, housing development or in public generally. The incident itself may be a one time occurrence or the violence may continue over a period of time. Sexual violence in intimate partner relationships, (*i.e.* domestic violence-related sexual violence) is a distinct issue and is outside the scope of this guidebook.

**Sexual violence perpetrators:** In general, sexual assault perpetrators deliberately choose vulnerable victims who are perceived to be less likely to report and/or less credible due to their economic status, racial/ethnic identity, age, mental illness, intoxication, drug use and/or disability, among other factors. Statistically, 70% to 80% of sexual assault victims know their assailant, while only 22% of victims are assaulted by strangers.<sup>3</sup> Perpetrators may use familiarity with victims to gain access to them and to carry out premeditated assaults. Though specific statistics are not available regarding the percentage of farmworker victims who know their assailants, it is likely that the rates would follow—or be higher than—national statistics. Rates may be higher within farmworker communities because farmworkers live, work and travel in close proximity with others, and perpetrators within the community are able to establish rapport with potential victims in order to facilitate an assault.

**Farmworker vulnerability to sexual violence:** Farmworkers are particularly at risk for sexual harassment, assault and rape as perpetrators factor in farmworkers' actual or perceived vulnerability, accessibility and lack of credibility when selecting them as victims. As discussed in more depth below, farmworkers are vulnerable to sexual harassment, assault and rape because of, among other things, their lack of familiarity with their legal rights, lack of access to service providers, lack of transportation, the extreme poverty in which they live and lack of formal education and, in some cases, English language skills.

Farmworkers are accessible to perpetrators of sexual violence as they often work in isolated areas, are often dependent on others for transportation and often live in shared housing with

many others. Perpetrators who are job recruiters may impose themselves on victims in exchange for work. Supervisors may leverage their control over employees' job duties and working location to gain access to victims. Finally, farmworkers are often perceived to lack credibility due to their actual or supposed lack of immigration documentation, their status as immigrants and their racial and/or ethnic identity. Perpetrators may prevent victims from seeking help by telling them that no one will believe them if they make a report (*i.e.* that no one will believe that a rape or sexual assault occurred, or that it wasn't consensual) because they are undocumented immigrants.

**Ways in which sexual violence occurs in farmworker communities:** Far too often, farmworkers are forced to endure sexual violence and exploitation in order to obtain a better life and a measure of economic security for themselves and their families. Outside the workplace, there are cases of farmworkers who are sexually assaulted by their landlords, roommates, an acquaintance or a stranger. Landlords may exploit the fact that it is difficult for farmworkers to get affordable, temporary housing. Farmworker children fall victim to sexual abuse in shared homes by adult roommates. At work, farmworkers have been forced to endure ongoing rape in exchange for employment, housing or transportation. Single-occurrence rape also occurs, such as when a victim is sexually assaulted by a co-worker or supervisor while working in a remote area. In addition, in some cases, farmworker victims experience violence that escalates over a period of days, weeks or months—beginning with inappropriate and lewd comments, progressing to unwanted touching and finally resulting in rape and repeated assaults.

# WHO ARE FARMWORKERS?

Farmworkers are among the most hidden workers in the United States, despite the fact that they typically work in open air. The general public has very limited knowledge of farmworkers as they generally work in rural and remote locations, lack representation in mainstream society due to language and cultural differences, and at times fear interaction with law enforcement and immigration authorities if they are undocumented. Yet they are responsible for planting and harvesting much of the food eaten both domestically and abroad. They are the engine that drives the agricultural sector of the U.S. economy and generates billions of dollars in revenue and employment for millions of Americans.

Farmworkers face a number of risk factors (discussed below) that make them especially vulnerable to sexual assault. Employers, supervisors, landlords and others in positions of power frequently take advantage of farmworkers' poverty, gender, culture, housing, immigration status, language or fear of law enforcement to exert power and control over them.

That power is amplified when employers control farmworkers' employment, housing and transportation or some combination thereof. In some cases a farmworker's immigration status is directly tied to the employer—where an agricultural guestworker visa is in place—heightening the worker's reliance on the employer to live, work and even be in the United States, even if only on a temporary basis. This means that farmworkers experiencing sexual harassment or assault at work may see their harasser on a daily basis—in the fields, in the employer-provided housing, on transportation provided to and from work or between job sites, and while migrating. It also means that more is at stake for farmworker victims than just their job. As a result, farmworkers are among the most vulnerable to sexual violence while also the least likely to report it.

Overall, there are four broad categories of agricultural workers:<sup>4</sup>

- ❖ **Migrant farmworkers** are persons employed in agricultural work of a seasonal or temporary nature who are required to be absent



overnight from their permanent place of residence. For example, a person who lives in Salinas, California, migrates to Yuma, Arizona to cut lettuce each winter and then returns to Salinas at the end of the Yuma lettuce season is a migrant farmworker.

❖ **Seasonal farmworkers** are persons employed in agricultural work of a seasonal or temporary nature who are not required to be absent overnight from their permanent place of residence. For example, a person who lives in Immokalee, Florida, picks tomatoes during the harvest season and then either finds other employment or is unemployed during the remainder of the year is a seasonal farmworker.

❖ **Guestworkers** are noncitizens admitted temporarily to the U.S. on special employment visas under the Immigration and Nationality Act to perform agricultural labor if unemployed U.S. workers cannot be found to perform the job. For example, a Jamaican who resides permanently in Jamaica and receives an H2A visa to pick cherries in upstate New York for the summer and then returns to Jamaica when the season is over is a guestworker.

❖ **Farmworkers in permanent annual employment** are persons employed in agriculture to work in certain industries or operations that may operate year-round, such as dairies, packing sheds or certain nurseries. For example, a person who works planting seeds, labeling plants, weeding and pruning trees for a nursery in Oregon is a farmworker with permanent annual employment.

Agricultural work encompasses more than just work in fields of row crops such as lettuce, tomatoes or strawberries. For the purposes of this guidebook, work in the following areas is also

included within the meaning of agricultural work:

- ❖ Orchards, such as apple, cherry, peach, avocado, citrus and other tree fruits and nuts;
- ❖ Tree nurseries for reforestation and Christmas;
- ❖ Nurseries including seed production, lawn production, plants for landscaping, indoor and outdoor plants for sale at hardware stores, roses and other cut-flowers;
- ❖ Meat production such as beef, poultry and pork;
- ❖ Vegetable and fruit canneries and packing sheds located on the farm or off-site; and
- ❖ Dairy and egg production.

There are dramatic regional variations in agricultural operations. To provide effective services to farmworkers, it is critical to have at least a general knowledge of the agricultural activities in your local area, such as the major crops in production, the peak work seasons, and the typical demographic characteristics of the local agricultural work force. This information can be obtained from university-based agricultural programs, state departments of agriculture, county agricultural commissioners' offices, local agricultural employer organizations, and farmworker advocacy organizations.

Although limited to responses from crop workers, the National Agricultural Workers Survey (NAWS)<sup>5</sup> by the U.S. Department of Labor is an excellent source of general demographic information about farmworkers nationwide. Much of the demographic data on farmworkers in this guidebook is based on the NAWS survey. Please note, however, that the NAWS data may not necessarily match the demographic characteristics of the agricultural workers in your area. As you plan to implement the concepts set forth in this guidebook, we encourage you to utilize an expansive view of



“agricultural worker” that is not limited to crop workers and, depending on the type of work performed in your area, may include people who work in poultry, dairy, pork, vegetable processing, fruit packing and other agricultural operations.

**Nationality.** The survey found that the hired agricultural workforce is predominantly foreign born with 75% born in Mexico, 23% born in the U.S., 2% born in Central American countries, and 1% born elsewhere. Perpetrators of sexual violence may view foreign born farmworkers as vulnerable because they are less likely to report the violence; they may not know their legal rights, speak English or have access to health care and social services.

**Age.** On average, farmworkers are young; more than half are under the age of 31. The vast majority are aged 20-44. Youth is an identified risk factor for sexual violence victimization, with youth ages 16-24 at greatest risk.<sup>6</sup>

**Gender.** Seventy-nine percent of crop farmworkers nationwide are male. While some parts of the country continue to see men dominate the agricultural workforce, other parts of the country are seeing the number of farmworker women equal or exceed the number of farmworker men. This is also true in operations such as packing sheds and nurseries. Gender itself is a significant risk factor for sexual violence; in the United States, one in 6 women

is sexually assaulted in her lifetime compared to one in 33 men.<sup>7</sup>

Gender also plays a significant role in victims’ inability to come forward. For a woman, reasons for not reporting sexual violence can include the stigma related to sexual violence, fear of her partner’s response, fear of upsetting her children, pressure to be the source of emotional support and stability for her family, and concern about how she will be perceived in her community. Male victims may feel confined by gender norms that prevent them from being emotional, fear the stigma that may come from disclosing the sexual violence, and fear more harm to themselves and their families. Thus, gender plays a significant role in both men’s and women’s ability to disclose incidents of sexual violence.

**Family.** Fifty-eight percent of farmworkers are married; however, more than half are unaccompanied young males living apart from their family members. The NAWS findings indicate that women are more than twice as likely as men to be living with at least one family member. Fifty-one percent of farmworkers are parents, regardless of whether they are married or single.

Some farmworker parents may leave their children in their home country with relatives; others migrate with their children. It is not uncommon to find children working alongside their parents in the fields, employed either under a parent’s name or under an alias often provided by the employer. This occurs despite the existence of child labor laws that vary from state to state. While some states have federally mandated Migrant Education Programs in place, children living in rural areas are routinely overlooked by the educational system. It can also be difficult for farmworker children to progress and excel at school due to the migratory pattern that some families follow, which causes children to leave school

early and start the school year late. Alternatively, some children remain in the labor camps to be cared for by older children, leaving them vulnerable to sexual violence committed by other children, workers or employers. Children, too, may be harmed or retaliated against if their parent reports an assault.

**Language.** Eighty-one percent of farmworkers speak Spanish, 18% speak English, and 2% speak other languages such as Tagalog, Creole and Thai. Close to 60% of foreign born farmworkers cannot speak or read English at all and only 35% are able to speak a little English. While there are limited statistics available, there are growing numbers of indigenous farmworkers working in the U.S. from Mexico, Guatemala and other countries. Farmworkers from indigenous communities in Latin America often do not speak Spanish or English. Instead, they speak pre-Columbian languages such as Mixteco, Zapoteco, Triqui, Mam and other indigenous languages. Many farmworkers from indigenous communities are exploited due to language barriers and the difficulty of finding multilingual interpreters.

Language barriers often prevent farmworkers from knowing their rights and locating local service providers. There may be even larger barriers for farmworkers who speak languages other than Spanish and English to overcome, particularly those for whom interpreters may not be readily available, such as Creole, Tagalog, Marshellese or Chukese. Non-English and non-Spanish speakers may be even more vulnerable to sexual assault. In order to seek help from a service provider, they must find an interpreter who speaks both their language and Spanish or English, often forcing these farmworker victims to use family or community members as interpreters or to remain silent.

**LGBT.** Just as lesbian, gay, bisexual and transgender (LGBT) people are part of the

general population, they are also part of the farmworkers population. No statistics exist regarding the number of LGBT farmworkers; however, an analysis by researchers on behalf of California Rural Legal Assistance, Inc., revealed that approximately 136,000 self-identified lesbian, gay and bisexual individuals reside in rural California counties and roughly one-third of this population lives below the poverty line. Census data also show wide geographic and racial diversity among same-sex couples.<sup>8</sup>

Furthermore, the experiences of advocates indicate that LGBT farmworkers face egregious discrimination and violence in the workplace. LGBT farmworkers are vulnerable to sexual violence and hate crimes due to extreme social ostracism. At times, farmworkers who are not LGBT-identified, but who are questioning their sexual orientation or gender identity, or who are mistakenly thought to be LGBT, are targeted for anti-LGBT violence and discrimination.

**Income.** The average individual income of farmworkers in 2001-2002 was between \$10,000 and \$12,499, while the total average income for a farmworker family averaged between \$15,000 and \$17,499.

Poverty is a risk factor for sexual violence. Farmworkers live at or below the poverty level and are, therefore, keenly dependent on their income. Losing a job may mean no food, housing, medical care or financial support for their family in the United States and abroad. A farmworker woman who is the head of the household and supporting her children is extremely vulnerable. Recognizing this, workplace perpetrators condition obtaining and keeping employment on sex; farmworkers are frequently denied employment or fired for refusing or reporting unwanted sexual harassment and/or assault.

**Education.** The NAWS findings indicate that the majority of farmworkers have completed only a few years of basic formal education. Four percent of farmworkers reported never having attended school, while 5% reported completing some education beyond high school. According to NAWS, on average, the highest grade level crop workers completed is the seventh grade. Given this, it is no surprise that few immigrant farmworkers come to the U.S. speaking anything but their native language. The low levels of education attained by farmworkers and the inability to speak English make the workforce vulnerable to exploitation and sexual violence.

**Immigration status.** Fifty-three percent of farmworkers are undocumented, 25% are citizens, 21% are legal permanent residents and 1% are authorized in some other manner to work. Perpetrators of sexual violence against undocumented farmworkers often threaten to report victims to immigration authorities and have them deported. Deportation may be devastating and result in a loss of current and future employment, separation from family in the U.S. and a return to the poverty from which the victim fled. Even when victims are documented, perpetrators threaten to report their undocumented family members to the authorities for deportation.

Guestworkers, though present with lawful immigration status, are in an equally vulnerable position. Guestworkers hold visas that require them to work only for the stated employer—the visa is no longer valid if and when the employment relationship ends. Perpetrators from the workplace often threaten that if their victims report the violence, the victims will lose not only their jobs but also their immigration status. These threats are typically coupled with a threat to call immigration authorities and other law enforcement if the worker does not comply with the perpetrator's demands.

**Housing.** Fifty-eight percent of farmworkers live in rental housing while 21% live in employer-owned and provided housing. When housing is provided by the employer, a perpetrator from the workplace has yet another venue to assault farmworkers. Employer controlled labor camps are often located in isolated rural areas, separated by fences with locked gates, and lack phones, public transportation and access to agencies that can help farmworkers. Crew leaders and foremen, who are the eyes and ears of the employer, often live in the same camp and take note of what workers do, with whom they speak, and whether anyone complains. Lack of personal transportation and the reliance on a *raitero*, an individual paid by farmworkers to drive them from place to place, can keep farmworkers further confined to the labor camp.

Sometimes employers house farmworkers in motels. In labor camps and motels, employers may place men, women and families together who are unknown to one another. They may be forced to share beds or sleep on the floor with strangers. In other cases, farmworkers and farmworker families may choose to share rental housing to save on expenses. These situations of cohabitation, whether arranged by the employer or out of financial necessity, increase farmworkers' vulnerability to sexual violence.

Farmworkers generally have the right to invite legal and social service providers to their housing, even if the housing is located on an employer's private property. However, it is not uncommon for providers to encounter access issues when visiting camps. Work with farmworker legal advocates in your area to obtain tips on best practices for meeting with and distributing information to farmworkers who seek your services and to learn the laws that provide you access.

**Working conditions.** Agricultural work is consistently ranked among the top three most hazardous jobs in the United States<sup>9</sup> due to strenuous physical labor, pesticide exposure and dangerous equipment. Farmworkers are at great risk of respiratory and dermatological illnesses; dehydration, heat stroke and heat illness; and chronic muscular/skeletal pain.

**Transportation.** Farmworkers face unique transportation-related problems. Many farmworkers—farmworker women in particular—do not have cars. Many rely on their employers for transportation to and from the worksite. Other farmworkers pay private drivers, commonly known as *raiteros*, for transportation to and from work. Common transportation problems encountered include dangerous vehicle conditions that cause numerous farmworker deaths each year; excessive fees for transportation; poor driver training or unlicensed drivers; significant loss of time traveling or waiting for transportation; non-payment of wages during otherwise compensable travel time; and sexual harassment or assault by transportation providers.

**Fear of law enforcement.** Some immigrant farmworkers may have an inherent fear and mistrust of law enforcement and other government authorities based on their experience or perception of the government in their country of origin or from rumors and experiences suffered by other farmworkers. Non-immigrant farmworkers may also fear law enforcement based on a past experience. These farmworkers may be reluctant to report sexual violence to the police or contact any other government official for assistance.

Equipped with the knowledge of why sexual violence of farmworkers is pervasive and why farmworkers may be reluctant to report it, you are now in the position to identify and reduce the barriers they may face to accessing your help.



## EXERCISE

- ❖ What types of farmworkers live in my state and my community?  
Are there migrant, seasonal, guestworker or year-round farmworkers?
- ❖ What type(s) of agricultural work is performed?
- ❖ What is the nationality of the workers?
- ❖ What language(s) do the workers speak?
- ❖ What is the ratio of men to women?
- ❖ In what type of housing do they live?  
Are there labor camps?
- ❖ How can I learn more about their experiences?
- ❖ How can I help farmworkers overcome barriers to accessing my professional services?
- ❖ Are there any local organizations conducting outreach to farmworkers with whom I could work or with whom I could cross-train?

# WHERE DO I BEGIN?



The best resource for anyone wanting to reach out to or work with farmworkers is an organization that provides services to farmworkers, such as a farmworker unit of a legal service organization, a migrant education program, a migrant health agency, a farmworker union or other non-profit organization dedicated to serving farmworkers. Even if there is no farmworker organization in your immediate area, there should be one in your state that is knowledgeable about your area and potentially has contacts that would be helpful to you. National farmworker organizations can also provide you with basic information about the farmworker community.

Partnering with a farmworker organization can help you:

1. Learn about the agricultural industry and the farmworkers who support it;
2. Improve communication with farmworker victims;
3. Make contacts and gather information that will likely assist your investigations and prosecutions;
4. Educate organizations, individuals and the farmworker community at large about your willingness to help victims of sexual violence.

**Find individuals and information to help your investigation.** Farmworker organizations can help you learn about the life and work of farmworkers as well as provide information about the agricultural industry, all of which will be helpful in tracking down information and people in your investigations. In particular, you may want to focus on the following areas:

- ❖ **Housing:** Familiarize yourself with where farmworkers live. Farmworkers may live in apartment complexes, trailer parks, labor camps, motels or private homes. Migrant workers and guestworkers generally live in farm labor camps. Some farmworkers are homeless and sometimes live out in the fields where they work.
- ❖ **Work:** Know whether there are migrant farmworkers, seasonal farmworkers and/or guestworkers in your jurisdiction and to where they migrate. This may help you know how long a victim or witness may be in the area and if they might migrate next. It may be helpful to know what agricultural work is performed in your jurisdiction, when the season begins and ends, and when farmworkers' days begin and end. Additionally, be sure to learn about the local farm labor contractors and growers. Find out how many of the contractors are licensed, how they recruit workers, whether they provide housing to the workers, how many crews they employ, and where most of their work is performed.

**Inform the community that you are available to help.** Working with a farmworker organization, you can learn where farmworkers

congregate, shop, worship, attend school and work, which may provide you the opportunity to inform the community that you are available to help. As you strategize ways in which to reach farmworkers, consider the following:

- ❖ **Provide written materials in farmworkers' languages.** Many farmworkers do not speak or read English well or at all. Learn what languages the farmworkers in your area read and make your written materials available in those languages. Additionally, use a professional translator who can accurately convey phrasing, idioms and culturally relevant language rather than simply providing a verbatim translation.
- ❖ **Provide information in oral and culturally appropriate formats.** Farmworkers may or may not be literate in their native language. Some languages may only be oral and not written languages, such as Triqui from Oaxaca, Mexico. To accommodate all farmworkers, provide information in oral formats. For example, record CDs with the information contained in your brochures or other written materials you typically provide to victims. You may also consider producing short videos. Additionally, fotonovelas that use photographs of real people acting out skits or comic book versions of materials are another format to adopt. Creating materials will take time and require input from farmworkers and advocates but the result could increase the number of farmworkers who report sexual assault to law enforcement.
- ❖ **Radio/Television.** Local farmworker organizations can help you make contact with local radio and television networks that farmworkers use. Air public service announcements on radio and television with information about where to go or how to call law enforcement for help. Given the diversity in languages spoken by farmworkers, it is important to look for media in a wide range of languages in order to reach non-English speaking farmworkers.

**Learn how to best communicate with farmworkers.** Farmworkers are extremely marginalized and are often exploited. Rightfully so, they may distrust someone outside of the farmworker community, law enforcement in particular. The knowledge you obtain about the community may be helpful when you interact with victims and witnesses and can ask appropriate questions about their lives and work. Another way to better communicate with farmworkers is to learn the work terminology—for the crops grown, tools used, seasons and jobs—which can vary depending on the agriculture grown in your area. Try to avoid terms that farmworker community members will not understand and, instead, use colloquial and slang terms. For instance, the Spanish translation of fields is *campo* but farmworkers tend to use the “Spanglish” word *fil*.

## EXERCISE

- ❖ With which farmworker organizations could I partner in order to provide improved services to farmworker victims of sexual assault?
- ❖ What other resources are available to me to learn about farmworkers in my area?
- ❖ What opportunities exist in my community for cross-training between law enforcement, farmworker organizations and rape crisis centers?
- ❖ Is there anyone within my department/agency who has handled sexual assault cases involving farmworkers from whom I could get tips?
- ❖ What more can my department/agency do to reach out to farmworkers?
- ❖ What more can my department/agency do to increase the number of reported cases?
- ❖ What internal training is necessary to better understand farmworker victims of sexual assault?

# HOW CAN I HELP FARMWORKER VICTIMS BECOME BETTER WITNESSES?

There are many reasons why farmworker victims of sexual violence may be unwilling to report a sexual assault and participate in criminal investigations and prosecutions. One way to reduce some of the barriers and fears is to connect victims with victim witness coordinators and advocates as soon as you make contact. As victims see that you are concerned about their safety and well-being in addition to the criminal case, they may begin to trust you and, in turn, be more likely to assist in an investigation and/or prosecution.

**Join or create a multidisciplinary referral network.** Farmworker sexual assault victims may be unable to participate in investigations or prosecutions because of unmet urgent needs. For example, if their children are in jeopardy, if they have no way to support themselves or their family, or if they do not know where they are sleeping that night, they may be unwilling to assist you. Take a few moments to discuss any immediate concerns with the victim and then make an appropriate referral to victim witness coordinators or advocates. Supporting victims' needs may help victims *and* the case. Those needs may include:

- ❖ Crisis intervention
- ❖ Safety planning

- ❖ Post-assault health care, such as Sexual Assault Forensic Exam (SAFE), Sexually Transmitted Infections (STI) testing and pregnancy testing
- ❖ Civil, criminal or immigration legal advice
- ❖ Privacy considerations
- ❖ Housing
- ❖ Food
- ❖ Health care
- ❖ Mental health care
- ❖ Spiritual support
- ❖ Victim advocacy
- ❖ Financial security
- ❖ Public benefits
- ❖ Education
- ❖ Job skills training
- ❖ Employment
- ❖ English language instruction
- ❖ Other language instruction
- ❖ Interpretation
- ❖ Transportation

No single provider can meet the vast needs of farmworker sexual violence victims; therefore, it is essential to have a referral network in place. This network should include professionals and organizations that provide emergency and short term services, transitional services and long-term services. Additionally, support from family

*“Wounds heal; scars never go away.*

*No one should be forced to give up their dignity in order to feed their family.”*

-Mónica Ramírez,

director of Esperanza: the Immigrant Women’s Legal Initiative of the Southern Poverty Law Center.

(Female Farmworkers are the Most Vulnerable [Essay] by Rebecca Clarren)

and community members may be important; the victim should be encouraged to decide to whom they will disclose information and who they will ask for support. Overall, this multi-disciplinary network should strive for shared protocols, uniform intake questions and a quick response. This may appear to be a daunting task if you are new to anti-sexual violence work; however, there are effective networks already in place in many areas that you might locate and join. If you are in an area without an existing network, over time your professional network will grow to include the organizations that can serve victims in ways that you cannot. Having a system and network in place increases your level of service to victims, aids victims’ recovery, and reduces confusion and response time.

Ideally, the network should consist of:

- ❖ Rape crisis advocates
- ❖ Civil, criminal and immigration attorneys
- ❖ Medical professionals
- ❖ Mental health care professionals
- ❖ Housing advocates
- ❖ Farmworker advocates
- ❖ U.S. Equal Employment Opportunity Commission representatives
- ❖ State anti-discrimination advocates
- ❖ Victim advocates
- ❖ Law enforcement official(s)
- ❖ Trained interpreters
- ❖ Sexual Assault Forensic Examiners
- ❖ Family members
- ❖ Spiritual leaders to address spiritual needs and, in some cases, the medical needs of individuals.







Refer members of your network to this guidebook and to our other guidebooks specifically written for attorneys and service providers at [www.crla.org/svi](http://www.crla.org/svi).

Building a victim support referral network will take time and creativity. For example, rural areas may have fewer providers and they may not be bicultural and bilingual. You may need to reach out to resources in larger metropolitan areas in order to expand your referral network.

**Locate linguistically and culturally appropriate services.** Finding linguistically appropriate services is central to reducing a major barrier for farmworkers to access services. The more services you find that are provided in victims' native languages, the more likely they will be to avail themselves of the services. Additionally, be sensitive and open to cultural preferences. For instance, victims may not believe in or use Western medicine and, therefore, may prefer healers from the same culture. Similarly, victims may not accept or practice counseling and therapy, but would prefer to visit a spiritual leader.

**Refer victims to civil legal attorneys.** Civil attorneys can represent victims' interests related to privacy, employment, housing, immigration, finances, school and physical safety. They can also be an additional support to the victim by answering questions related to victims' rights in the criminal justice system and civil litigation. With very rare exceptions, unlike criminal prosecutors, civil attorneys are not required to disclose privileged information to the defense. Be prepared to refer victims to an attorney who can discuss possible civil legal remedies.

## EXERCISE

- ❖ In what ways does my agency follow a multidisciplinary approach?
- ❖ In what ways could my agency improve its multidisciplinary approach?
- ❖ What referrals do I have in place to meet the needs of farmworker sexual violence victims?
- ❖ What additional referrals do I need to have in place to meet the needs of farmworker sexual violence victims?

# WHAT CAN I DO TO HELP ENSURE A SUCCESSFUL INTERVIEW?

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Sexual violence is hard for anyone to disclose and discuss, but it may be even more difficult for farmworker victims. There are many factors that may make it challenging for farmworkers to speak about sexual violence. For example, they may be:

- ❖ Afraid of losing their job;
- ❖ Afraid of losing their housing when it, too, is provided by the employer/perpetrator and can be taken away in retaliation for reporting the assault;
- ❖ Blamed for the sexual assault by family, friends, neighbors and co-workers;
- ❖ Feeling shame and/or self-blame about the assault due to social norms and cultural taboos around sexuality.

## **Make contact and meet in a safe location.**

Victims' safety and the case may be compromised if perpetrators learn that victims are working with law enforcement. For that reason, you may need to make contact and meet with victims outside of work or employer-controlled housing.

**Practical tips for your interview.** The following are practical steps that you can take to help alleviate victims' fears and concerns. Ultimately, you can help victims feel more comfortable, more likely to share the details of the assault and more likely to continue to work with you by:

- ❖ Scheduling a group interview with the victim's permission if more than one person from the support team will be assisting the victim rather than conducting multiple interviews;
- ❖ Scheduling interviews after farmworker work hours or on weekends;
- ❖ Explaining the confidentiality, privilege and privacy implications of having a friend or family member present during the interview;
- ❖ Asking whether the victim prefers to be interviewed by a man or a woman, provided that you can accommodate the request;
- ❖ Giving the victim choices about where to conduct the interview;
- ❖ Explaining why you need to take notes during the interview;
- ❖ Explaining how long you anticipate the interview will take;
- ❖ Encouraging the victim to take breaks as needed;
- ❖ Creating a road map for the investigation so that the victim knows what to expect;
- ❖ Asking questions regarding the victim's concerns about employment, housing, physical safety, privacy, financial stability and education and making appropriate referrals for services;
- ❖ Making referrals to immigration attorneys as necessary;



- ❖ Telling the victim what information you are going to share, with whom and for what purpose;
- ❖ Explaining to the victim that your conversation is not confidential and that all information collected—including your notes—may be used by the prosecution and the defense;
- ❖ Being organized and succinct;
- ❖ Explaining safety planning and creating a safety plan;
- ❖ Being aware of your body language, eye contact, word choice, tone, mannerisms and reactions to victims' comments so that the victim feels supported rather than judged or hurried; and
- ❖ Explaining next steps to the victim.

#### **Make small talk that has big importance.**

While time is of the essence, it is more beneficial to begin interviews with a few topics that allow you and the victim to get to know one another, such as family and children, sports or the town where you grew up. If you begin with the most difficult and intimate questions, victims may become silent and decline to answer. Victims may not disclose anything at the first meeting and will instead wait until trust and rapport is built before sharing information.

#### **Be creative when building the timeline.**

A victim's credibility is often questioned during a prosecution; this commonly arises when victims struggle to remember the timeline of events. This is often an issue for all sexual violence victims because of memory loss due to trauma.

Additionally, due to high illiteracy rates, some farmworkers may not be accustomed to keeping track of the month, date and hour or creating a written record of events. You can work with victims to overcome these challenges by using markers such as type of harvest or holidays, rather than month of the year, to specify timed events.

**Be aware of trauma's impact.** Each time victims recount what happened, it may be painful and re-traumatizing. It is not uncommon for victims to walk through and relive the trauma while answering interview questions. Victims may move their bodies in the same way as the perpetrator did, move their hands as the perpetrator did, change their tone of voice and mimic the perpetrator's voice, among other things. Sexual violence often causes emotional disturbances such as post-traumatic stress disorder, anxiety, depression and memory loss. The degrees of trauma experienced will vary for each victim and can greatly impact victims' ability to relay details of the sexual harassment or sexual assault and to request services. Keep in mind that many victims may have experienced violence previously, which may compound the effects of the most recent trauma. Immigrant victims may have fled violence in their country of origin or may have been assaulted or raped during migration to the U.S. Multiple traumas can dramatically impact memory, cognitive processes and the ability to discuss the incident of violence that has brought them to you.

**Provide reassurance.** You may be the one person to whom victims disclose the sexual assault. Encouraging words, such as "This is not your fault" and "You are not responsible" and "You deserve respect and safety" may be helpful.

**Choose your words carefully.** Discussing sexual violence is difficult in all cultures. For this reason, you must tread carefully when you prepare for an interview or meet with someone from a culture other than your own.



It is important to ensure that you do not offend, create discomfort or re-victimize individuals. In some cultures, it is taboo to discuss sex, even if it was consensual. It may be difficult for individuals to share information about the sexual violence due to shame and embarrassment. Direct questions may make victims struggle to answer and feel uncomfortable; they may even shut down and not respond to any additional questions.

Therefore, try to ask indirect questions. Accept the fact that victims may talk around the issue and be less direct. It can be helpful to learn from victims the most appropriate and non-offensive terms they wish you to use. Additionally, be aware that some words used in English to talk about sexual violence do not always exist in other languages; therefore, victims may not use the same words to describe what happened as an English speaker might use.

**Be comfortable talking about sexual violence.**

It can be uncomfortable and awkward for you and victims alike to talk about sexual assault. However, if you are uncomfortable talking about anatomy, sexual acts or sexual violence, you may miss opportunities to assist victims. Victims may not disclose to you or may not follow up post-disclosure because of your response. Ask for staff training from community partners, such as rape crisis centers, on how to talk about sexual violence. Practice mock interviews with co-workers until you are comfortable talking about sexual violence between individuals of the same and opposite gender, adults and children.

**Eye contact.** In some cultures, avoiding eye contact with a person of authority is a way to show respect. Additionally, eye contact may be difficult for victims, as they may feel ashamed about the sexual assault.

**Give victims enough physical space.** When interviewing sexual violence victims, give them enough physical space to make them feel comfortable. Try not to invade their personal space by moving closer. Victims may react out of fear if someone gets too close or tries to touch them. Resist the urge to give a reassuring pat on the arm or back as such gestures may be unwanted and feel inappropriate.

**Educate law enforcement personnel and fact-finders about rape myths and the power and control dynamics within the agricultural industry.** Rape myths affect the way that sexual assault victims' credibility is assessed. One is that "real rape" is violent and results in profound physical injury to the victim. In truth, most sexual assault victims do not suffer serious physical injuries as a part of the rape. Moreover, farmworker victims may be less likely to physically resist an assault in cases where they—and their family—are vulnerable to the perpetrator in various ways, including relying on the perpetrator for income, housing, transportation, etc. Another myth is that victims lie—that they claim rape, when it was consensual sex. Outsiders may perceive that rape victims consented for different reasons, such as a continued contact with the perpetrator post-assault. Here again, farmworker victims may be

even more vulnerable to attacks on their credibility because of on-going dependence upon the perpetrator for food, transportation and shelter. An additional myth is that victims of real rape report to law enforcement immediately after being assaulted. Few sexual assault victims report immediately to law enforcement, if at all; farmworkers may take even more time to report due to additional barriers such as transportation, language and fear of retaliation. Your role is critically important. You can help debunk these myths—and acknowledge the enormous power imbalance in the rural workplace—with law enforcement, prosecutors, judges and juries, among others. Finally, your fellow law enforcement officials and fact-finders must be constantly reminded about cultural backgrounds and mores and how they might bear on credibility. For example, victims may be reluctant to make eye contact with an interviewer not because they are being untruthful but because they have grown up in a culture in which averting someone's eyes is a way of showing respect.

#### **Ensure accurate explanation of legal terms.**

Understanding and interpreting legal concepts is another challenge farmworker victims may face in a criminal case. Just as some words used to discuss sexual violence may not exist in the victim's native language, it is possible that certain legal concepts or other words do not exist in the victim's native language. Allow ample time to make certain that farmworker victims understand legal terms and work closely with an interpreter.

**Explain the Sexual Assault Forensic Examination (SAFE).**<sup>10</sup> Refer the victim to an advocate or be prepared to explain the purpose or steps involved in undergoing a SAFE exam including how evidence is collected and how it may be used in civil and/or criminal litigation. Be aware that some farmworkers may have never undergone such an exam and even if they have it can be especially violating and

re-traumatizing. Victims must make informed decisions about whether to undergo the exam, including understanding how medical records may be subpoenaed or used in legal proceedings, which can be discussed with a civil attorney.

**Respect victims' decisions not to pursue criminal charges.** Victims may not want to participate in an investigation and/or prosecution because of concerns about safety, retaliation, economic stability, immigration status, migration, time away from work to pursue prosecution or fear of putting their family in jeopardy. These concerns may outweigh their desire to seek justice.

#### **Discuss the importance of staying in contact.**

The necessity of some farmworkers to migrate for work introduces challenges of remaining in contact with victims as well as their availability to participate in a prosecution. Ask victims to keep you updated with new addresses and phone numbers as they move or migrate. Also, determine whether there is any way to reduce the time between filing the police report and case resolution so that victims are available to testify rather than returning for a trial many months later. For example, fight continuances and work to ensure quickly scheduled trial dates.

## **EXERCISE**

- ❖ What methods do I use to make a victim witness feel at ease?
- ❖ Of what might a farmworker victim be most afraid when reporting to law enforcement? What can I do to address and reduce those fears?
- ❖ How do I show respect for the victim's culture?
- ❖ How can I improve my interviewing skills?

# HOW DO I ADDRESS IMMIGRATION ISSUES AND FEAR OF DEPORTATION?

Sometimes, farmworker sexual violence victims are citizens, permanent residents, guestworkers or other individuals who are lawfully present in the U.S. while other farmworkers are undocumented. Regardless of whether victims are documented, they may fear adverse immigration consequences if they participate in any kind of proceedings against the perpetrator. This is in part fueled by perpetrators who continually threaten to report victims and their family members to immigration enforcement and have them deported if they ever tell anyone about the sexual assault.

This fear also exists because of widespread immigration raids nationwide as well as partnerships between immigration and local law enforcement—known as 287(g) agreements—that permit local officers to enforce immigration law.<sup>11</sup> In some of these communities, victims of crime have been reported to immigration authorities for deportation, which has a chilling effect on the willingness of immigrant crime victims to report the crime and cooperate with law enforcement. Know whether you are located in a jurisdiction that has a 287(g) agreement and how immigrant crime victims are impacted.





Additionally, be prepared to inform victims about your local policy regarding reporting to Immigration and Customs Enforcement.

Obtaining legal immigration status therefore dramatically aids victims because it may offer security, work authorization, family reunification and reduction of fear. Recognizing that fear of deportation and law enforcement hindered criminal investigations and prosecutions, Congress created three law enforcement tools to help encourage immigrant victims of crime to come forward and report crimes to law enforcement.

❖ The **U Visa** is for noncitizen victims of certain, designated crimes, including but not limited to rape, trafficking, domestic violence, sexual assault, abusive sexual contact, and sexual exploitation. The applicant must have suffered substantial physical or mental abuse as a result of a crime in the U.S., possess information about the crime, and be helpful to law enforcement. Federal, state or local law enforcement completes a certification form that verifies the individual has been, is being or will be helpful to law enforcement in their investigation or prosecution of a crime. The applications are adjudicated by U.S.

Citizenship and Immigration Services. The U Visa's duration is four years and provides for work authorization. After the third year in possession of the U Visa, the U Visa holder is eligible to apply for legal permanent residence. *See* 8 U.S.C. § 1513 (2008). You should note that:

- “Has been helpful” refers to victims who assisted in an investigation or prosecution that is now closed; there is no time limitation on providing a certification for closed cases;
- Law enforcement agencies nationwide are consistently determining “helpful” to have broad meaning, including reporting a crime and answering first responders’ questions;
- The certification is one small but important part of an extensive application that the victim completes and submits. A victim must also meet other eligibility criteria, pass a fingerprint and immigration records check and qualify for a waiver of any immigration violations; and
- Victims cannot submit a U Visa application without the accompanying law enforcement certification; thus, law enforcement plays a critical role.



❖ The **T Visa** is for noncitizen victims of human trafficking, which generally is forced labor, forced prostitution or prostitution of someone under 18 years of age. An applicant must also have complied with reasonable requests in the investigation or prosecution of the trafficking; be present in the U.S. on account of the trafficking; and would suffer extreme hardship if removed from the U.S. Federal, state or local law enforcement completes a certification form regarding the crime and the victim's compliance with reasonable requests. The applications are adjudicated by U.S. Citizenship and Immigration Services. The T Visa's duration is three years and provides for work authorization and public benefits after which time the T Visa holder may apply for legal permanent residence. See 22 U.S.C. § 7101-7102 (2008). You should note that:

- Compliance with "reasonable" requests depends on the totality of the circumstances, such as general law enforcement practices and the victim's fear, maturity and extent of trauma suffered;
- Victims are eligible based on compliance with reasonable requests in the investigation OR prosecution; therefore, a full

prosecution is not required. A certification is appropriate even in cases where an investigation is conducted and the trafficker accepts a plea bargain or if there is insufficient evidence to warrant a prosecution.

- Similar to the U Visa, the certification is just one part of an application that requires the victim to submit extensive corroborating evidence. A victim must also meet other eligibility criteria, pass a fingerprint and immigration records check and qualify for a waiver of any immigration violations; and
  - Victims may submit applications without a signed law enforcement certification provided they submit other forms of proof of compliance with reasonable requests for assistance from law enforcement, though your assistance makes the process easier for victims.
- ❖ An **S Visa** is available to persons who have knowledge of criminal activity, are assisting law enforcement with the investigation or prosecution and whose presence in the U.S. is necessary for the case. Unlike the other options presented here, the individual does not apply for this visa; a law enforcement agency applies for it on behalf of the individual. 8 U.S.C. § 1255(j)(2) (2008).

**Designate someone at your agency to complete U Visa & T Visa certifications.** The U Visa certification form instructions state that a certifying official is "the head of the certifying agency OR any person in a supervisory role who has been specifically designated by the head of the certifying agency to issue a U Non-immigrant Status Certification on behalf of that agency OR a federal, state or local judge." See Form 918B, U Non-Immigrant Visa Petition. If the certification is not signed by the head of the agency, then evidence of the agency head's

*“You really don’t have anyone to go to.  
If you go to the boss and say this guy wants me to go with him to bed with him,  
he’s going to laugh and say,  
‘What do you want me to do? You want me to referee or something?’*

-Hazel Filoxsian, former farmhand

(Tales from the Green Motel by Margo Harakas, South Florida Sun-Sentinel, Feb. 12, 1989)

written designation of the certifying official must be attached to the certification. See Instructions for Form 918B, U Non-Immigrant Visa Petition. We suggest that you designate a victim witness coordinator who already has the position and authority to address victims’ needs.

**Immigration status generally.** Recognizing the justifiably heightened sensitivities that immigrants may have on this topic, issues related to immigration status should be addressed. However, asking victims about immigration status during the early part of your investigation may result in fear and withdrawal, as many immigrants are aware that their lack of status is often used to retaliate against them for bringing criminal and/or civil lawsuits. Once you have established a good rapport and made it clear that you will not report the victim’s immigration status to any other agency, it may be appropriate for you to educate immigrant victims about potential immigration remedies for undocumented victims of sexual violence, such as U, T or S visas. It may also be appropriate to refer the victim to a local immigration attorney.



**Do not report victims to immigration enforcement.** You will destroy any trust you have within farmworker and immigrant communities. You will undermine the purpose of immigration relief such as S, T and U Visas specifically created to encourage noncitizens to come forward and report crimes against them.

**Encourage victims to come forward.** Create brochures and radio public service announcements for the farmworker community to educate them of their rights and your role in assisting them. Inform your multidisciplinary team and partnering farmworker organization that your agency is willing to sign certifications for immigration relief and make that person’s contact information available.

## EXERCISE

- ❖ Who else in my agency should be made aware of these law enforcement tools to reduce fear of immigration and law enforcement?
- ❖ Who in my agency has completed a certification for a U or T Visa?
- ❖ Who is most appropriate in my agency to be designated as the authorized person to complete U and T Visa certifications?

# HOW DO I WORK WITH AN INTERPRETER?

Establishing effective procedures to minimize language barriers will allow you to maximize your assistance to victims who do not speak English or Spanish well. In order to best serve victims, you must have a deep understanding of what their potential needs are when they seek your help.

## **Use professionally trained interpreters.**

It is never appropriate to use children or other family members as interpreters. It is also unwise to use other untrained community members as interpreters because of their possible relationship with the perpetrator, the shame and embarrassment involved for the victim,

and the community member's potential lack of training on issues involving sexual violence and interpretation.

## **Locate interpretation resources.**

Familiarize yourself with the languages spoken in the community, the agencies or businesses providing interpretation locally in those languages, the national telephonic services available to provide services in those languages and determine what, if any, training the interpreters may have received on sexual violence.

**Know the difference between translation and interpretation.** Translation refers to communi-

## Tips For Working With Interpreters

### **Identify a pool of interpreters with whom you:**

- ❖ Meet with in advance to ensure that you discuss how the interpretation will be conducted and to practice if necessary;
- ❖ Establish a signal that the interpreter might use to ask you to slow down;
- ❖ Decide whether the interpreter must ask first to provide a cultural context or explain afterwards; and
- ❖ Train on sexual violence generally, how to work with a victim and the terminology.

### **When working with a specific victim and the interpreter:**

- ❖ Conduct a conflict check with the interpreter to ensure that the interpreter is not related to the perpetrator or any involved parties; and
- ❖ Arrange for the victim and interpreter to have an opportunity to meet and to speak briefly to ensure that they indeed understand one another.

cating one language into another in a written format. Interpretation is oral communication from one language into another. There are three different types of interpretation: consecutive, simultaneous and relay. Consecutive interpretation occurs when a person speaks and pauses for the interpretation to occur. Simultaneous interpretation has no pause and is therefore occurring on a continual basis. Relay interpretation occurs when more than one interpreter is required such as English to Spanish then Spanish to Mixteco Alto (an indigenous language).

### Look for indigenous language interpretation.

There can be many different languages spoken within one country. In Mexico and Guatemala, for example, many people speak Spanish. However, there are also many people who speak pre-Columbian indigenous languages. These languages are commonly referred to as dialects but individuals who speak these languages often feel that the word dialect is pejorative. They speak their own distinct language that is in no way related to Spanish. You need to understand what country they come from, what language they speak and, sometimes, what region of the country they come from to more accurately determine whether they speak a certain dialect. For example, some indigenous people in Mexico speak the language called Mixteco. Depending on where they are from in Mexico, they may speak Mixteco Alto, Mixteco Bajo or Mixteco de La Costa, all of which are dialects of Mixteco. Therefore, determine what language they speak and whether they speak a language other than the predominant language spoken in their country to ensure that the proper interpreter is identified.

**Conduct a conflict check.** Be sure that the interpreter is not known or associated with the victim or perpetrator in any way. This could compromise the victim's comfort, confidentiality and safety as well as the interpretation.

**Work with the interpreter.** Talk to the interpreter about what will be discussed during the

interview. If the interpreter feels embarrassed by the subject matter, cannot adequately interpret everything said or feels that it is disrespectful to say the words used by the perpetrator, you must find a new interpreter. Additionally, practice working with the interpreter before the session begins. Have victims meet and speak to the interpreter before the proceeding or interview to ensure that they understand each other. If they cannot understand each other, locate a new interpreter.

**Allow your interpreter to educate you about cultural context.** The interpreter working with you is a valuable resource to aid in your understanding of what the victim is telling you. Literal interpretation or literal translation sometimes leads to misunderstandings and may be insufficient without a cultural context to add the full meaning. If you reach a point in the interview where the victim is not understanding what you are asking or if the victim is not responding to the question you are asking, it may be because literal interpretation is not capturing what you intend to say. Ask the interpreter for any insight into what the issue may be and to help explain the cultural significance of certain statements. Discuss how you might do this in advance.

## EXERCISE

- ❖ What are the languages spoken by farmworkers in my area?
- ❖ What agencies or businesses provide interpretation locally?
- ❖ What national telephonic services are available?
- ❖ What training on sexual violence can I offer to the interpreters with whom I work?
- ❖ What other resources are available to me regarding working with interpreters?

# HOW DO I CREATE A SAFETY PLAN WITH FARMWORKER VICTIMS OF SEXUAL VIOLENCE?

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Creating a plan that will enable victims to be safe from the perpetrator and from potential future harm is vital. Safety planning involves working with victims so that they will know how to react in the moment if confronted with violence. Creating a safety plan does not mean that the victim will not face violence again. Rather, the primary goal is to aid individuals in protecting themselves when and if they are in danger in the future. Some victims may feel constant fear and anxiety over a possible future assault by the perpetrator. Safety planning can reduce fears by providing victims with safeguards that will permit them to feel safe even when they are not directly confronted with a violent situation. Safety plans may also instill a greater sense of calm, and reduce victim reaction time when responding to future incidents of violence. A planned response may also help to prevent future incidents of violence and reduce the level of harm inflicted. Planning for safety may reduce overall fear and restore a sense of control in victims' lives; this can empower victims and aid their healing.

Safety planning with farmworkers is a unique process. Existing safety plans for non-farmworker victims may not be appropriate for farmworkers. Farmworker-specific plans should address the life and work circumstances distinctive to farmworkers, and take into account the limited resources available to them. Safety planning with farmworkers may require lengthier discussions, additional questions and more detailed explanations about resources, institutions, legal remedies and processes than safety planning with non-farmworker victims of sexual assault. For example, a non-farmworker client may need to know the location of the nearest bus stop when seeking the best route to safety. A farmworker client, however, may also need to know how to ride the bus, including understanding the routes, the cost, and transportation time. In most cases, the communities where farmworkers work do not have public transportation systems. Therefore, it is necessary to consider additional methods of transportation and discuss how, where and when to access this transportation. You may need to not only determine what transportation assistance is

*“We thought it was normal in the United States  
that in order to keep your job, you had to have sex.”*

- Iowa Campesinas

(The Green Motel by Rebecca Clarren, Ms. Magazine, Summer 2005)

available but also what assistance the farmworker victim will need in order to learn the process of using public transportation or finding other transportation.

Safety planning means assisting victims in thinking through their response if confronted by the perpetrator in various settings, such as at home, work, in transit or in public. Additionally, it involves helping victims to think through their options related to responding to the violence, including reporting to law enforcement, seeking healthcare, seeking legal assistance, changing employers, or moving to a new location. Most safety plans are oral or written, though they can take any format that is most helpful to the victim.

**Address safety as soon as possible.** It is critical to discuss safety planning as soon as possible. For some organizations, this could be during the intake process while for others it is at the first meeting. Take the time to address safety planning at the first possible moment. The first time you meet with a farmworker victim of sexual violence, including sexual harassment or assault, may be the only opportunity you have to create a safety plan as victims may not return for services or there may be another incident or an escalation of violence between your meetings. Safety planning at the outset may help to interrupt on-going violence and give victims new tools to help protect themselves and their families. An important first step will be to ask victims if it is safe for them to have evidence of their meeting with you, such as your business



card or the safety plan itself. Ask if there is a safe place away from the perpetrator to keep this information. Giving victims physical materials may place them in greater danger.

**Discuss safety.** To help explain safety and safety planning to a farmworker victim, consider using the Spanish-language fotonovela created by and for farmworkers that is available in Spanish at [www.crla.org/svi](http://www.crla.org/svi). Through photos, the fotonovela tells the story of a young farmworker woman experiencing sexual violence at work and how she reaches out for help to address the violence and feel safe. Use the fotonovela as a discussion piece to begin the conversation and to build trust with victims. Also, convey that every individual has the right to be free from violence and to be safe in their housing, at work, at school and in the community at large.

**Customize the safety plan.** Aim to customize a safety plan based on the farmworker's unique circumstances and available resources. Each person will present distinctive safety needs and require an individualized safety response. The more knowledgeable you are about farmworkers lives and the barriers they face in accessing resources, the more success you may have at building trust and presenting appropriate safety options. Be aware of the

types of employment, housing and transportation available to farmworkers. Similarly, the more knowledgeable you are about the resources available that are appropriate for farmworkers in your area, the more successful the safety plan is likely to be. For example, know where the nearest sexual violence shelter is located, and whether it has language, cultural and transportation capacity to assist farmworkers. Where capacity is lacking or minimal, it is important to work with local shelters to build capacity.

Safety plan with farmworkers who voice concerns about sexual harassment and sexual assault of others so that they have a plan if confronted by the perpetrator.

**Be a guide.** Remember that you are only a guide in the safety planning process. Present farmworkers with options to address safety concerns and then help them think through the options and make choices that are best for them. As individuals know their own circumstances best, they are in the best position to make decisions for their lives. Be cognizant of any of your own expectations that may arise about how victims "should" respond and focus instead on ways to empower your clients to make their own choices.



**Conduct a safety assessment.** After explaining safety generally, assess the risk the perpetrator poses to the victim. The level of danger and likelihood of additional harm will influence your response and the safety plan itself. Evaluate the nature and severity of risk by asking questions about the:

- ❖ Threats to victim's physical safety
- ❖ Other threats, such as threats to report a victim to immigration or the police
- ❖ Threats to harm others, such as family members, friends or pets
- ❖ Violence that has already occurred
- ❖ Frequency of incidents
- ❖ Last occurrence
- ❖ Perpetrator's use of weapons
- ❖ Perpetrator's mental health history
- ❖ Perpetrator's use of drugs and alcohol

### **Use sample questions to guide your discussion.**

Below you will find questions designed to help guide your discussion with a farmworker victim to create a safety plan. They help to illustrate some of the the appropriate topics, questions and options for your discussion on safety with a farmworker under the broad categories of housing, workplace, community, transportation, communication and emergencies. Every question may not be relevant or necessary, nor are the questions exhaustive of all the possibilities. Additional questions may be required to address your client's situation; however, these questions serve as examples and a starting point for your work.

### **Safe Housing**

- ❖ What kind of housing do you live in (labor camp, apartment, house, trailer, motel, outdoors)?
- ❖ With whom do you share your housing? Do you know the people with whom you share your housing? How do you know the people with whom you share housing?
- ❖ How close are you to the nearest town/city?
- ❖ What state is your housing located in? What city is your housing located in? What street is your housing on? At what number? What directions would you give to someone to find your home? Are there any landmarks to help someone find your housing?
- ❖ Is the perpetrator your landlord? The property manager? A roommate? A work supervisor who lives with you or has access to your housing? A co-worker who lives with or near you?
- ❖ Are you safe inside your housing? Do you have windows and doors? Do your windows and doors lock? Do you have lights at your home? Are the lights outside and inside your home? How could you make your housing safer? Can you move something in front of the doors and windows to keep the perpetrator out of your housing in an emergency? Can you speak to the landlord, farmer, or housing owner about helping you to make the housing safer by installing locks and lights?
- ❖ Who are your neighbors? Do you feel comfortable talking with your neighbors? Which of your neighbors would you feel comfortable asking for help?
- ❖ How could you get out if the perpetrator shows up at your house? Is there a back door? Are there windows you could escape through?
- ❖ What transportation is available if you need to leave your housing immediately?
- ❖ Who could you stay with if you need to leave home? Do you have friends or family nearby? Who else in the community do you know and trust? How would you contact them?
- ❖ Where is the nearest shelter for women and children in your area? How would you contact the shelter? Can they come to your house to pick you up in an emergency?
- ❖ If you had to leave your home quickly, what would be important to take with you? What would be hard to replace if you left it there e.g. birth certificate, driver's license, consular



identification (matrícula o cedula), voter registration card, passport, money, children's records, work records?

- ❖ What would your children do in case of an emergency/if they need help? Do they know how to use the telephone and call for help?
- ❖ Do you feel that you could contact the police? How would you contact the police? What could they do to help?
- ❖ Would it be safer to move to new housing? Is this possible? Do you need help finding a new place to stay?

### **Safe Workplace:**

- ❖ Where do you work? In what state? In what city? What's the name of the company? What is the name of your crewleader, contractor or supervisor? Do you have a pay statement or check stub with you that includes the company name and address? Do you have any other papers that the company or your boss has given you that includes the company or contractor's name and address on them?
- ❖ Does the perpetrator work with you?
- ❖ Do you still work there? Does the perpetrator still work there? Do you want to continue working there? What options for alternative work do you have?
- ❖ Does the perpetrator have authority over you (owner or supervisor)?
- ❖ Who else at work knows that you are being sexually harassed/assaulted? How do they know?
- ❖ Did you tell your employer (boss, supervisor, someone in the office)? If not, how would making a report to the employer make you safer or less safe? If yes, what did they say? Did anything change? Do you feel safer or less safe?
- ❖ How often do you see the perpetrator at work? Where do you see the perpetrator?
- ❖ Can you avoid being alone at work? How? Do work with any family members? Who could you work alongside? Is there anyone who can

accompany you to the car or bus, bathroom, lunch break, tool sheds, supply closet? Who can you tell if you are being assigned to work in a remote area so that they can know to look for you if you do not return within a reasonable amount of time? Who can you check in with at a certain time each day?

### **Safe Community**

- ❖ Do you see the perpetrator when you are in the community? Where (at the grocery store, church or school)?
- ❖ Can you avoid seeing the perpetrator in the community? How? How could you change your routine so that you avoid seeing the perpetrator? Could you use different laundromats or grocery stores?
- ❖ Who can go with you when you are out in the community?
- ❖ How else can you keep yourself safe when you are out in the community?
- ❖ How can you ask for help if you are in the community? What language would you use? What words would you use to call out for help?
- ❖ Where could you go to be safe?

### **Safe Transportation:**

- ❖ How do you get from one place to another? How do you get home? How do you get to work? How do you get from one job site to another? How do you get to the store, religious services and laundromat in the community?
- ❖ Is the perpetrator involved in any way in your transportation to work, from work, or at work?
- ❖ Can you drive? Do you have a driver's license? Do you have a vehicle? Do you always have access to your vehicle?
- ❖ Who can drive you in case of an emergency?
- ❖ Who is a safe person who could drive you to work? to the store? to the laundromat?



- ❖ Is there any public transportation where you live, like a bus or a train? Where is the nearest bus/train? Do you know bus/train routes and how to ride the bus/train? Do you know how much it will cost to take the bus or the fare? Do you have a bus/train pass? Do you know how to get a bus/train pass? Do you know the bus/train schedule? Do you know how to call for help at the bus/train stop?
- ❖ What is the number for a taxi or car service in case of emergency?
- ❖ Do you have money set aside to pay for a taxi/bus/driver in an emergency?
- ❖ Have you considered going to your work, housing and the community by taking different routes?

#### Safe Communication:

- ❖ Do you have a cell phone? (Can you get one by donation?) Do you know how to use it?

Do you know how to retrieve messages from your phone? Can you be sure to keep your battery charged? Could you carry a phone to use for emergency purposes only?

- ❖ Who has a cell phone that you can use near home? At work? In the community?
- ❖ Do you have credits/minutes for your cell phone? Do you have a pre-paid phone card?
- ❖ Do you know what a public telephone looks like? Where is the nearest public telephone to your home, work, or job site? Do you know how to use it?
- ❖ Can you keep a cell phone with you and on at all times, even at work?
- ❖ Do you have cell phone reception at home? At work? In the community?
- ❖ Do you have a list of all the important phone numbers you need (police, shelter, attorney, advocate, taxi, friend)?
- ❖ Are you aware that 911 will call the police? How do you think the police could help you? Would you feel comfortable calling the police?

#### Emergencies:

- ❖ Who would you call?
- ❖ Where would you go?
- ❖ How would you get there?
- ❖ If you need medical attention where would you go? How would you get there?

**Modify the plan frequently.** Conduct safety planning with farmworkers on a regular basis—even every time you meet—to evaluate any changes in circumstances that may endanger the victim. Modify the existing safety plan to accommodate changes in work, home, transportation, family and other circumstances as they arise. Victims’ safety concerns may change, for example, if they take steps to distance themselves from the perpetrator, pursue civil or criminal legal remedies or disclose to employers, landlords, friends or family.

When safety planning, discuss with victims whether or not it is safe for them to have a copy of the safety plan in their possession.

### Assist with implementing the plan.

Farmworker victims may need assistance in implementing their safety plans. Take time to insure that your client understands the plan and that the information is captured in a way that makes the most sense to the victim. Victims who do not read or write may need an alternative to a written safety plan, such as an oral recording of the information.

The following are ways in which you might further support victims' safety:

- ❖ Offer transportation assistance;
- ❖ Accompany them on public transportation to learn the process and routes;
- ❖ Provide a list of resources, *e.g.* sexual violence shelters, taxi/car services, legal services organizations, farmworker organizations, healthcare providers, law enforcement, public benefits, etc.;
- ❖ Find an advocate/service provider who can help secure related services; food, crisis intervention, and victim witness assistance;
- ❖ Help them to obtain a cell phone or pre-paid phone cards for emergency purposes;
- ❖ Help them learn how to use the cell phone and retrieve messages.
- ❖ Give them a folder in which to store important documents (*e.g.* birth certificate, driver's license, passport, matrícula, cedula, money, children's records, and work records) in a place that is safe from the perpetrator;
- ❖ Explain the purpose and process for obtaining a protection orders and help determine if one is available or advisable under the individual's circumstances (or refer to an appropriate attorney);
- ❖ Refer them to an attorney who can help them protect their employment, housing, education, immigration, public benefits and privacy rights;
- ❖ Advocate with landlords for increased safety measures in housing;
- ❖ Advocate with employers for increased safety measures at work; and
- ❖ Educate social service, legal service and healthcare providers on overcoming barriers to providing services to farmworkers.



## EXERCISE

- ❖ How might safety planning be different with farmworker victims of sexual violence than with non-farmworker victims?
- ❖ What training is available or steps are necessary to ensure that everyone within your organization is able to safety plan with farmworker victims?
- ❖ What referrals do you need to have in place to help farmworkers implement their safety plans?

# RESOURCES

## SEXUAL ASSAULT:

Arte Sana [www.arte-sana.com](http://www.arte-sana.com)

AEquitas: The Prosecutors' Resource on Violence Against Women [www.aequitasresource.org](http://www.aequitasresource.org)

American Bar Association Commission on Domestic Violence, *Comprehensive Issue Spotting: A Tool for Civil Attorneys Representing Victims of Domestic and Dating Violence, Sexual Assault and Stalking* (2008) available at [http://www.abanet.org/domviol/pdfs/Issue\\_Spotting\\_FINAL.pdf](http://www.abanet.org/domviol/pdfs/Issue_Spotting_FINAL.pdf).

American Bar Association Commission on Domestic Violence, *Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases* (2007) available at <http://www.abanet.org/domviol/docs/StandardsCommentary.pdf>.

Connecticut Sexual Assault Crisis Services, *An OVC Online Guide: Strengthening Sexual Assault Victims' Right to Privacy* (April 2009) available at <http://www.ojp.usdoj.gov/ovc/publications/infores/VictimsRightToPrivacy/welcome.html>.

D. Beloof, J. Mindlin, and L. Reeves, *A Criminal Justice Guide: Legal Remedies for Adult Victims of Sexual Violence* (2005) available at <http://legacy.lclark.edu/org/ncvli/signin.html> (Sign in and then access the library).

Jessica E. Mindlin, Esq. & Liani Jean Heh Reeves, Esq., *Confidentiality and Sexual Violence Survivors: A Toolkit for State Coalitions* (2005) available at [www.lclark.edu/org/ncvli/objects/L&C77576confidentialitybook.pdf](http://www.lclark.edu/org/ncvli/objects/L&C77576confidentialitybook.pdf)

Jessica E. Mindlin, Esq. & Liani Jean Heh Reeves, Esq., *Rights and Remedies: Meeting the Civil Legal Needs of Sexual Assault Survivors* (2005) available at <http://legacy.lclark.edu/org/ncvli/signin.html> (Sign in and then access the library).

National Sexual Violence Resource Center [www.nsvrc.org](http://www.nsvrc.org)

Southern Poverty Law Center, *Representing Farmworker Women Who Have Been Sexually Harassed—A Best Practices Manual* (2008). Call 1-800-591-3656 to order.

Victim Rights Law Center, *Beyond the Criminal Justice System: Using the Law to Help Restore the Lives of Sexual Assault Victims* (2008) available at <http://www.victimrights.org/pdf-manual/beyondthecriminaljusticesystem.pdf>.

## EDUCATION:

Handbook for Campus Crime Reporting, published by the Dept. of Education (2005).

Victim Rights Law Center, "The Education Rights of Adult Sexual Assault Survivors," Chapter 9 of *Beyond the Criminal Justice System: Using the Law to Help Restore the Lives of Sexual Assault Victims* (2008) available at <http://www.victimrights.org/pdf-manual/beyondthecriminaljusticesystem.pdf>.

## EMPLOYMENT:

Legal Momentum, *State Law Guide: Employment Rights for Victims of Domestic or Sexual Violence* (April 2009 and updated online) available at <http://www.legalmomentum.org/assets/pdfs/employment-rights.pdf>.

National Employment Law Project [www.nelp.org](http://www.nelp.org)

U.S. Equal Employment Opportunity Commission [www.eeoc.gov](http://www.eeoc.gov)

U.S. Department of Labor [www.dol.gov](http://www.dol.gov)

# RESOURCES

Victim Rights Law Center, “Sexual Assault Victims’ Employment Rights,” Chapter 10 of *Beyond the Criminal Justice System: Using the Law to Help Restore the Lives of Sexual Assault Victims* (2008) available at <http://www.victimrights.org/pdf-manual/beyondthecriminaljusticesystem.pdf>.

## **FARMWORKERS:**

Association of Farmworker Opportunity Programs [www.afop.org](http://www.afop.org)

Catholic Migrant Farmworker Network [www.cmfnet.org](http://www.cmfnet.org)

Dolores Huerta Foundation [www.doloreshuerta.org](http://www.doloreshuerta.org)

Farm Labor Organizing Committee [www.floc.com](http://www.floc.com)

Farmworker Justice [www.fwjustice.org](http://www.fwjustice.org)

Frente Indígena Oaxaqueño Binacional [www.fiob.org](http://www.fiob.org)

Líderes Campesinas [www.liderescampesinas.org](http://www.liderescampesinas.org)

National Farmworker Ministry [www.nfwm.org](http://www.nfwm.org)

Rural Migration News <http://migration.ucdavis.edu/rmn>

United Farm Workers at [www.ufw.org](http://www.ufw.org)

U.S. Department of Labor, *National Agricultural Workers Survey* (1989-2006) available at [www.doleta.gov/agworker/naws.cfm](http://www.doleta.gov/agworker/naws.cfm).

## **HEALTH:**

California Rural Legal Assistance’s Agricultural Worker Health Project at [www.agworkerhealth.org](http://www.agworkerhealth.org)

Health Outreach Partners at [www.outreach-partners.org](http://www.outreach-partners.org)

Migrant Clinicians Network at <http://migrantclinician.org> with a directory of migrant health centers at [www.migrantclinician.org/healthcenters/health\\_centers.html](http://www.migrantclinician.org/healthcenters/health_centers.html).

Migrant Health Promotion at [www.migranthealth.org](http://www.migranthealth.org)

National Center for Farmworker Health [www.ncfh.org](http://www.ncfh.org)

Occupational Safety and Health Administration [www.osha.gov](http://www.osha.gov)

Victim Rights Law Center, “Understanding Victims’ Medical Needs: The Medical and Forensic Examinations” and “Victims’ Mental Health Issues: What They Are and Why They Matter to Providing Effective Victim Advocacy and Legal Representation,” Chapters 5 and 6 of *Beyond the Criminal Justice System: Using the Law to Help Restore the Lives of Sexual Assault Victims* (2008) available at <http://www.victimrights.org/pdf-manual/beyondthecriminaljusticesystem.pdf>.

# RESOURCES

## HOUSING:

Legal Momentum, *State Law Guide: Housing Protections for Victims of Domestic or Sexual Violence* (May 2009 and updated online) available at <http://www.legalmomentum.org/assets/pdfs/housing-1.pdf>.

Victim Rights Law Center, “Housing Rights of Sexual Assault Victims,” Chapter 11 of *Beyond the Criminal Justice System: Using the Law to Help Restore the Lives of Sexual Assault Victims* (2008) available at <http://www.victimrights.org/pdf-manual/beyondthecriminaljusticesystem.pdf>.

## IMMIGRATION:

See the following websites for manuals, webinars, conferences and technical assistance on the immigration relief presented in this guidebook. Note that ASISTA is an OVW-funded technical assistance provider: ASISTA [www.asistahelp.org](http://www.asistahelp.org)

American Immigration Lawyer’s Association [www.aila.org](http://www.aila.org)

Catholic Legal Immigration Network [www.cliniclegal.org](http://www.cliniclegal.org)

Immigrant Legal Resource Center [www.ilrc.org](http://www.ilrc.org)

Legal Momentum’s Immigrant Women Program  
[www.legalmomentum.org/our-work/immigrant-women-program](http://www.legalmomentum.org/our-work/immigrant-women-program)

National Network to End Violence Against Immigrant Women [www.immigrantwomensnetwork.org](http://www.immigrantwomensnetwork.org)

Victim Rights Law Center, “Serving Non-Citizen Victims of Sexual Assault,” *Beyond the Criminal Justice System: Using the Law to Help Restore the Lives of Sexual Assault Victims (A Practical Guide for Attorneys and Advocates)* at [www.victimrights.org](http://www.victimrights.org).

International Association of Chiefs of Police, *The Crime of Human Trafficking: A Guide to Identification and Investigation* at <http://www.theiacp.org/PublicationsGuides/ResearchCenter/Publications/tabid/299/Default.aspx?id=1001&v=1>

Victim Rights Law Center, “Serving Non-Citizen Victims of Sexual Assault,” Chapter 8 of *Beyond the Criminal Justice System: Using the Law to Help Restore the Lives of Sexual Assault Victims (A Practical Guide for Attorneys and Advocates)* at [www.victimrights.org](http://www.victimrights.org).

## LANGUAGE ACCESS:

The Interpretation Technical Assistance Resource Center at the Asian & Pacific Islander Institute on Domestic Violence is an OVW-funded technical assistance provider.  
[www.apiahf.org/index.php/programs/domestic-violence/interpretation—language-access.html](http://www.apiahf.org/index.php/programs/domestic-violence/interpretation—language-access.html)

## PRIVACY:

Connecticut Sexual Assault Crisis Services, *An OVC Online Guide: Strengthening Sexual Assault Victims’ Right to Privacy* (April 2009) available at <http://www.ojp.usdoj.gov/ovc/publications>

Victim Rights Law Center, “Privacy: A Pre-eminent Concern for Sexual Assault Victims,” Chapter 3 of *Beyond the Criminal Justice System: Using the Law to Help Restore the Lives of Sexual Assault Victims (A Practical Guide for Attorneys and Advocates)* at [www.victimrights.org](http://www.victimrights.org).

Jessica E. Mindlin, Esq. & Liani Jean Heh Reeves, Esq., *Confidentiality and Sexual Violence Survivors: A Toolkit for State Coalitions* (2005) available at [www.lclark.edu/org/ncvli/objects/L&C77576confidentialitybook.pdf](http://www.lclark.edu/org/ncvli/objects/L&C77576confidentialitybook.pdf)

## ENDNOTES

<sup>1</sup>Maria M. Dominguez, *Sex Discrimination & Sexual Harassment in Agricultural Labor*, 6 Am. U. J. Gender & Law 231, 255 (1997); see also Richard Kamm, *Extending the Progress of the Feminist Movement to Encompass the Rights of Migrant Farmworker Women*, 75 Chi.-Kent L. Rev. 765, 774-75 (2000).

<sup>2</sup>William R. Tamayo (2000), *The Role of the EEOC in Protecting the Civil Rights of Farm Workers*, 33 U.C. DAVIS L. REV. 1075, 1080 (2000).

<sup>3</sup>D.G. Kilpatrick, C.N. Edmunds, & A.K. Seymour, *Rape in America: A Report to the Nation* (1992).

<sup>4</sup>Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. § 1802 (2008).

<sup>5</sup>U.S. Department of Labor, Office of the Assistant Secretary for Policy, Office of Programmatic Policy, *Findings from the National Agricultural Workers Survey (NAWS) 2001–2002: A Demographic and Employment Profile of United States Farm Workers*, Research Report No. 9. (Mar.2005).

<sup>6</sup>World Health Organization, *World Report on Violence and Health* 157 (2002) available at [http://www.who.int/violence\\_injury\\_prevention/violence/world\\_report/en/](http://www.who.int/violence_injury_prevention/violence/world_report/en/).

<sup>7</sup>Rape, Abuse & Incest National Network Statistics at [www.rainn.org/statistics](http://www.rainn.org/statistics).

<sup>8</sup>The Williams Institute, *Census Snapshot: United States* (Dec. 2007) available at <http://www.law.ucla.edu/williamsinstitute/publications/USCensusSnapshot.pdf>.

<sup>9</sup>Villarejo, D., Baroln, S.L. *The Occupational Health Status of Hired Farmworkers*, OCCUPATIONAL MEDICINE: STATE OF THE ART REVIEWS, 14, 613-635 (1999).

<sup>10</sup>As of January 5, 2009, under VAWA (Violence Against Women Act) and STOP (Services, Training, Officers and Prosecutors) grants, sexual assault victims can undergo a SAFE examination and have the cost of the exam paid for by the governmental entity whether or not the victim chooses to cooperate with law enforcement or the criminal justice system.

<sup>11</sup>INA §287(g). For a list of jurisdictions that have signed these agreements, see [http://www.ice.gov/pi/news/factsheets/section287\\_g.htm](http://www.ice.gov/pi/news/factsheets/section287_g.htm).

# **FARMWORKER SEXUAL VIOLENCE TECHNICAL ASSISTANCE PROJECT PARTNERS**

## **CALIFORNIA RURAL LEGAL ASSISTANCE, INC**

3 Williams Rd  
Salinas, CA 93905  
Phone: 831-757-5221  
Fax: 831-757-6212  
Toll-free number: 1-800-677-5221  
[www.crla.org](http://www.crla.org)

## **VICTIM RIGHTS LAW CENTER, PORTLAND OFFICE**

520 SW Yamhill, Suite 200  
Portland, OR 97204  
Phone: 503-274-5477  
Toll-free number: 1-877-758-8132  
[www.victimrights.org](http://www.victimrights.org)

## **ESPERANZA: THE IMMIGRANT WOMEN'S LEGAL INITIATIVE OF THE SOUTHERN POVERTY LAW CENTER**

233 Peachtree Street, Suite 2150  
Atlanta, GA 30303  
Phone: 404-521-6700  
Fax: 404-221-5849  
Toll-free number: 1-800-591-3656  
<http://www.splcenter.org>

## **LIDERES CAMPESINAS**

P.O.Box 51156  
Oxnard, CA 93031  
  
761 South "C" St.  
Oxnard, CA 93030  
Phone: 805-486-7776  
Fax: 805-486-8779  
[www.liderescampesinas.org](http://www.liderescampesinas.org)



## HELP IS AVAILABLE.

See our website at [crla.org/svi](https://crla.org/svi) for more resources and information on how we can support your work to assist farmworker victims of sexual violence.