



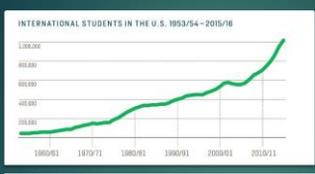
## Working with International Student Victims of Sexual Assault

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## Section Learning Outcomes

- 1 Explore the issues facing international students and characteristics that may increase their vulnerability to sexual harassment and assault.
- 2 Understand the barriers to reporting for international students and accommodation and protective measure considerations.
- 3 Examine procedural and policy impacts for investigations and adjudications of cases involving sexual assault.

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## International Students

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## Places of Origin

Country	Percentage
China	75%
India	10%
South Korea	6%
Japan	3%
Canada	2%
Mexico	2%
Brazil	2%
UK	2%
Saudi Arabia	1%

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## Understanding the Law



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## International Rape Definitions



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## U Nonimmigrant Status (VTVPA)

(Victims of Trafficking and Violence Protection Act, including the Battered Immigrant Women's Protection Act)

- ▶ The U Nonimmigrant status (U Visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.

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## VTVPA—Goals of the Legislation

- ▶ Strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes,
- ▶ Protect victims of crimes who have suffered substantial mental or physical abuse due to the crime and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity.
- ▶ Helps law enforcement agencies to better serve victims of crimes.

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## Qualifying Offenses

<ul style="list-style-type: none"> <li>•Abduction</li> <li>•Abusive Sexual Contact</li> <li>•Blackmail</li> <li>•Domestic Violence</li> <li>•Extortion</li> <li>•False Imprisonment</li> <li>•Female Genital Mutilation</li> <li>•Felonious Assault</li> <li>•Fraud in Foreign Labor Contracting</li> </ul>	<ul style="list-style-type: none"> <li>•Hostage</li> <li>•Incest</li> <li>•Involuntary Servitude</li> <li>•Kidnapping</li> <li>•Manslaughter</li> <li>•Murder</li> <li>•Obstruction of Justice</li> <li>•Peonage</li> <li>•Perjury</li> <li>•Prostitution</li> <li>•Rape</li> </ul>	<ul style="list-style-type: none"> <li>•Sexual Assault</li> <li>•Sexual Exploitation</li> <li>•Slave Trade</li> <li>•Stalking</li> <li>•Torture</li> <li>•Trafficking</li> <li>•Witness Tampering</li> <li>•Unlawful Criminal Restraint</li> <li>•Other Related Crimes**</li> </ul> <p style="font-size: x-small;">**Includes any similar activity where the elements of the crime are substantially similar. Also includes attempt, conspiracy, or solicitation to commit any of the above and other related crimes.</p>
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## T Nonimmigrant Status (VTVPA)

- ▶ The legislation strengthens the ability of law enforcement agencies to investigate and prosecute human trafficking, and also offer protection to victims.
- ▶ The T Nonimmigrant Status (T visa) is set aside for those who are or have been victims of human trafficking, protects victims of human trafficking and allows victims to remain in the United States to assist in an investigation or prosecution of human trafficking.

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## Title IX and International Students

- ▶ Ensure all students are aware of their rights (even undocumented and international students)
- ▶ Ensure school reporting forms, information and training is provided in accessible way (including English language learners).
- ▶ Coordinate with international office to communicate Title IX information in other languages
- ▶ Provide information on the U nonimmigrant status and the T nonimmigrant status

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## Title IX and International Students

- ▶ Encourage employees involved in handling sexual violence complaints and those counseling students to talk to the designated school official for student visas about possible issues.
- ▶ Employees working with international students should be trained on school's sexual violence policies.
- ▶ Employees working with sexual violence victims are trained around international student issues.
- ▶ Threatening a student with deportation or invoking immigration status to deter a report is retaliation

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JANUARY 26, 2017 9:43PM EST | Dispatches

**Marrying Your Rapist in Malaysia**  
Men Try to Avoid Rape Charges Through Forced Child Marriage

APRIL 23, 2017

**"Your Destiny is to Stay with Him"**  
State Response to Domestic Violence in Algeria

Understanding Victimology

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### Vulnerability

Cultural differences	Language barriers	Isolation—lack of support network	Lack of financial resources	Attempts to culturally assimilate
Misunderstanding of law	Shorter stint at school	LGBTQ International students	Inexperience with alcohol, social situations	High academic pressures

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### Vulnerability

Increased likelihood for misunderstanding

Increased likelihood to be targeted

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### Range of Reasons for Under Reporting

- ▶ Fear that their family will find out
- ▶ Shame (and shame to family)
- ▶ Fear of assailant (and tools to exploit the fear)
- ▶ Fear of further social isolation
- ▶ Fear or police or that police will not believe them
- ▶ Fear student visa will be revoked
- ▶ Misunderstanding of how and where to get help

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International Barriers to Reporting

- Green: Rape is rarely Admitted for laws, culture, and fear
- Yellow: Rape is somewhat Admitted for laws, culture, and fear
- Orange: Rape is not uncommon Admitted for laws, culture, and fear
- Red: Rape is common Admitted for laws, culture, and fear
- Dark Red: Rape is widely Admitted for laws, culture, and fear

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The New York Times

**Too Scared to Report Sexual Abuse. The Fear: Deportation.**

MARCH 26, 2017 12:01AM EDT | Dispatches

**Damaging Myths on Domestic Violence Alive and Well in the UK**  
Man Who Attacked His Wife Spared Jail After Court Does Not Find Victim "Vulnerable"

### Policy Implications

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## Accommodations

- ▶ Leave options
  - ❑ How will it impact student visa?
  - ❑ If leave campus, where is it safe to go?
- ▶ Counseling and Health Services
  - ❑ Understanding confidentiality
  - ❑ Cost of services
- ▶ Reduced course load
  - ❑ How will it impact student visa?

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## Investigations

- ▶ Confidentiality and privacy
- ▶ Translation issues
- ▶ Refusal to cooperate
- ▶ Need for appointed advisor/support person
- ▶ Clarifying understanding of consent

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### International Perpetrators

Managing Mixed Messages:

- ▶ Differing cultural norms and definitions
- ▶ Use of “culture” as an excuse
- ▶ US Media (and current political climate)
- ▶ Inability to prosecute (fleeing country)

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## Recommendations

Include	Include mandatory and specialized training as part of International Student Orientation.
Educate	Educate “host families” or provide emergency host family options for students in crisis.
Provide	Provide free translation services for all meetings and hearings (but do not count the translator as the advisor of choice).
Include	Include staff person in international student office on Title IX team (and provide training for whole team on visa implications and options).

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## Thank you for your time and attention.

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