Working with International Student Victims of Sexual Assault

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.

International Students

Places of Origin

Understanding the Law

International Rape Definitions
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.

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

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.

Qualifying Offenses

- Abduction
- Abusive Sexual Contact
- Domestic Violence
- Extortion
- False Imprisonment
- Female Genital Mutilation
- Felonious Assault
- Fraud in Foreign Labor Contracting
- Hostage
- Incest
- Involuntary Servitude
- Kidnapping
- Manslaughter
- Murder
- Obstruction of Justice
- Peonage
- Perjury
- Prostitution
- Rape
- Sexual Assault
- Sexual Exploitation
- Slave Trade
- Stalking
- Torture
- Trafficking
- Witness Tampering
- Unlawful Criminal Restraint
- Other Related Crimes

*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.

T Nonimmigrant Status (T Visa)

- 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 a 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.

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.
- 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.
Understanding Victimology

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

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

International Barriers to Reporting

Policy Implications
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
  - How will it impact student visa?

Investigations

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

Recommendations

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

Thank you for your time and attention.