

Cultural competency essay

[Law](#), [Criminal Justice](#)



INTIMATE PARTNER VIOLENCE

I. INTRODUCTION

In the course of acting as administrator of a victim advocacy agency, there are many instances in which the administrator must interact with individuals of other cultures and other backgrounds. Intimate partner violence occurs across all cultures, regardless of race, age, gender, or cultural status; however, certain societies have normalized intimate partner violence much more so than American society has. Understanding the normalization of partner violence and the ways that this normalization can hinder women when they seek help for their problems is fundamentally important, particularly when these women are expected to act within the framework of a society with which they are mostly unfamiliar.

Language barriers can also be a hinderance to women who want to seek help but feel that they cannot; in the United States, for instance, women who want to seek help from victim advocacy groups may feel uncomfortable doing so because they are afraid they will have to interact with people in English; often, these women come from cloistered homes and communities in which they have never had a chance to learn to speak English (Department of Justice, 2005). In this case, the victim advocacy group must establish and maintain cultural competence if there is any hope of reaching and helping women like Svetlana and Xiaohui, each of whom is experiencing violence in a strange location where she does not speak the language. Understandably, for many women, this situation leads to a feeling of hopelessness and isolation.

The Department of Justice (2005) report suggests that there are a number of things that an advocacy organization can do to develop cultural competency within the organization. The first step for an organization to take is to examine the current state of cultural competency within the organization frankly and without bias (Department of Justice, 2005). During this stage, the organization must check all of the protocols within the organization to ensure that they are culturally appropriate, and that they take into account the many different cultures that the advocacy organization may come into contact with in the course of its duties (Department of Justice, 2005). Once this step is completed and weaknesses are uncovered, the organization must then draft and establish new organizational rules to frame cultural competency within the organization (Department of Justice, 2005).

Once these rules are put into place, the organization must then ensure that all the employees at the organization are properly trained to follow these rules. The Department of Justice (2005) writes, " Training all staff is essential —staff time and support for such activities is a must. Additionally, organizations should collaborate with diverse agencies and communities to guarantee that the trainings offered are properly developed and respectful to the diverse cultures and backgrounds of the clients served" (Department of Justice, 2005). In short, along with establishing guidelines for cultural competency in an organization, it is also fundamentally important to establish support systems for staff and volunteers.

Once the cultural competency of an organization is established, the process is far from over. The organization must continuously establish and change its guidelines for cultural competency over time, and must continue to evolve

with the various cultures that it comes into contact with. Without this continuous evolution and change, the organization can easily become stagnant and fall back into the rut of being incompetent insofar as cultural sensitivity and cultural understanding is concerned.

Staff is fundamentally important to an organization's cultural competency. Cultural competency within an organization is only as good as the staff practicing within the organization, and staff support systems and help can make the difference between an organization with an atmosphere of cultural competency and one without.

An additional concern for victim advocacy organizations is the added problem of underserved communities. Underserved communities are communities that have a long history of oppression, and an ingrained cultural acceptance of violence; on some level, all communities have an accepted level of violence that can be perpetrated by intimate partners, but some communities are much more sequestered and much more secretive than others (Department of Justice, 2005). The Department of Justice (2005) report suggests that building trust with these communities and participating in dialogue with marginalized and underserved communities is fundamentally important for any future interaction with these communities or individuals from these communities (Department of Justice, 2005).

In this discussion, two women have started a dialogue with the victim advocacy organization; the first, Svetlana, is a Ukrainian woman who is confined to a wheelchair. She has been confined to the wheelchair because of a progressive neurological disorder; in addition to her confinement, she is sight-impaired and has suffered a mild TBI. Her abuser is also her primary

caregiver. Xiaohui, a Chinese woman, has also come to the victim advocacy organization for help. She has a misdemeanor conviction for petit theft (shoplifting) of food, allegedly resulting from the partner's refusal to provide food as a form of spousal punishment. Both these women face unique challenges, and this discussion will focus on the potential pitfalls and realities of their situations in the context of the American culture, as well as in the context of the culture that each woman was born into.

II. SVETLANA

Involving Law Enforcement

Perhaps understandably, Svetlana is reluctant to bring her case before any kind of law enforcement personnel. She fears deportation or reprisals from her abuser if she brings her case to the attention of law enforcement, and the first order of business that the victim advocacy organization has is to encourage the woman to involve law enforcement in her case. Building a rapport with Svetlana will be important, and one of the first steps is to find an interpreter for her so that she feels at home speaking her own language and interacting with someone who has an understanding of her culture. As previously stated, Svetlana will probably have fears about deportation and reprisals from her significant other and abuser if she reports him to the police or other law enforcement officials; however, her situation is more complex, because her abuser is also her primary caretaker. Without assistance, she may be unable to live on her own, and her neurological condition may prohibit her from living a life independent from him or some other member of her community. Her isolation and dependence on her abuser pose particularly large problems for the victim advocacy organization,

but not insurmountably large ones.

According to Narayan (1995), women from Eastern European countries have a tendency to be extremely suspicious of law enforcement officials within any context, and the fact that these women are afraid of deportation does not let their fear abate. The fear of those in authority positions can be extremely detrimental to any attempts to encourage a woman to seek out help for the intimate partner violence she is experiencing (Narayan, 1995). Raj and Silverman (2002) write, “ Sociopolitical barriers to help seeking and patient-provider communication included social isolation, language barriers, and, for some, discrimination and fears of deportation. Sociocultural barriers included dedication to the children and family unity, shame related to the abuse, and the cultural stigma of divorce” (Raj and Silverman, 2002). One of the best ways to alleviate this fear is to work with the woman through an interpreter; finding an interpreter fluent in Ukrainian is fundamental to the success of this case. Furthermore, education on the relevant laws and statutes that the American government has in place to protect women like Svetlana is important insofar as releasing the hold that her abuser has over her.

Threat of Deportation

The information about Svetlana does not indicate whether her abuser is an American citizen, or whether he has arrived on a student visa; however, the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA) provides a number of relief measures for undocumented immigrants who are suffering at the hands of their intimate partners, even if these partners are not legal residents of the United States (Raj and Silverman,

2002). In Svetlana's case, she has the potential to be one of the immigrant women who is issued one of the 10, 000 U-visas that are issued each fiscal year; however, because of her dependence on her abuser and her apparent inability to work, she may be ineligible or unable to obtain the visa (Davis, 2004).

Legally, it is assumed that Svetlana is undocumented, and this poses a problem to her potential for leaving the relationship. However, she does not have any kind of history of criminal activity, and this makes her potential for obtaining a U-Visa better than Xiaohui's in some ways. In this case, other departments that could become involved in the case could be the Department of Social Services because of Svetlana's disability; a medical professional may need to examine her and determine the extent of the care needed if she were to stay in the United States. Indeed, a medical professional may be needed to determine if she will be able to work, which is one of the reasons that U-Visas are issued to victims.

III. XIAOHUI

Involving Law Enforcement

Xiaohui has already had some interaction with law enforcement, as she is currently facing a charge of petit theft. As such, she knows a little bit more about the law enforcement system in the United States than Svetlana does; however, this may mean that she is more suspicious of law enforcement, rather than less suspicious. Raj and Silverman (2003) write:

Findings from the current study indicate that immigrant-related factors may be predictive of more severe intimate partner violence for South Asian women. Social isolation, in particular, was associated with an increased

likelihood of experiencing severe intimate partner violence; women reporting no family in the United States were 3 times more likely to have been physically injured by their current partner. Trends also suggest that non-US born participants were more likely to report physical abuse, intimate partner violence-related injury, and no knowledge of intimate partner violence services (Raj and Silverman, 2003).

Xiaohui, although not South Asian, is still at a significant risk for further violence if she stays with her abuser. To encourage her to seek the help of law enforcement, finding a translator with ties to the Chinese community is important. The Chinese community is extremely tight-knit, particularly for new immigrants. Building a rapport with Xiaohui and encouraging her to understand that law enforcement personnel are not inherently the enemy is very important to encouraging her to seek the help of police in her case. Without the help of law enforcement, the likelihood of obtaining a U-Visa with a charge of petit theft is very low.

Threat of Deportation

Unfortunately, the threat of deportation for Xiaohui-- without a significant paper trail documenting her abuse-- is relatively high. She is facing charges for petit theft; while this is a relatively small, insignificant issue, it becomes a much more important one when considering the likelihood of the individual to be accepted as a U-Visa candidate. While the law is much softer for those facing domestic violence situations, without a paper trail documenting this violence, Xiaohui could certainly be deported.

The tensions between the United States and China also sometimes inform this type of issue, unfortunately; as the United States has cracked down on

immigration and travel to the United States, so has China. This has led to a stalemate of sorts, where the US Department of Immigration has been issuing fewer visas to Chinese individuals wishing to stay in the country (Davis, 2004).

Unlike Svetlana, however, Xiaohui does not have physical disabilities that prevent her from working in some capacity while she is in the United States. However, the U-Visa application also necessitates that the applicant be cooperative with the government, helping the government find out more about the crime and the situation that has prompted the individual to apply for amnesty in this way; Xiaohui and Svetlana must both become cooperative with the government and the important authorities to be eligible for a U-Visa.

In Xiaohui's case, a lawyer specializing in immigration law and immigration reform could help move the process forward, especially insofar as her arrest for petit theft is concerned. To be eligible for assistance from the government, she must be forthcoming and willing to help the government address the violence that she has been exposed to.

IV. CONCLUSION

There are very real problems that both Svetlana and Xiaohui face insofar as obtaining asylum in the United States is concerned. Unfortunately, these women face a situation that is neither unique nor rare; these women are two of many women who face unimaginable danger at the hands of their significant others on a daily basis. The United States has certain protections in place for women who are abused by their significant others, but these protections do not protect all women, and finding room in these statutes for

Svetlana and Xiaohui could be potentially difficult. However, Raj and Silverman (2002) note that immigrant women who are in abusive relationships are much more likely to disappear entirely, especially if they do not have family in the area in which they are living. Protecting these women as victim advocacy groups do can be difficult, but it is a worthwhile cause in the long run.

References

- Bauer, H. M., Rodriguez, M. A., Quiroga, S. S. & Flores-Ortiz, Y. G. (2000). Barriers to health care for abused Latina and Asian immigrant women. *Journal Of Health Care For The Poor And Underserved*, 11 (1), pp. 33--44.
- Catalano, S. (2012). Intimate partner violence, 1993-2010. [report] Washington DC: Office of Justice Programs.
- Cronholm, P. F., Fogarty, C. T., Ambuel, B. & Harrison, S. L. (2011). Intimate partner violence. *American Family Physician*, 83 (10), pp. 1165--1172.
- Davis, K. A. (2004). Unlocking the door by giving her the key: a comment on the adequacy of the U-visa as a remedy. *Ala. L. Rev.*, 56 p. 557.
- Jensen, T. L. (2008). U visa certification: overcoming the local hurdle in response to a federal statute. *Idaho L. Rev.*, 45 p. 691.
- Menjivar, C. & Salcido, O. (2002). Immigrant women and domestic violence common experiences in different countries. *Gender & Society*, 16 (6), pp. 898--920.
- Narayan, U. (1995). "Male-order" brides: immigrant women, domestic violence and immigration law. *Hypatia*, 10 (1), pp. 104--119.
- Raj, A. & Silverman, J. (2002). Violence against immigrant women the roles of culture, context, and legal immigrant status on intimate partner violence.

Violence Against Women, 8 (3), pp. 367--398.

Raj, A. & Silverman, J. G. (2003). Immigrant South Asian women at greater risk for injury from intimate partner violence. *American Journal Of Public Health*, 93 (3), pp. 435--437.