

# **TPAC/WHCI Immigrant Victims of Crime Report 2018**

## **Table of Contents**

### **I. Overview**

- i. Factors affecting immigrants**
  - a) Administration**
  - b) Socioeconomic**

### **II. Client and perpetrator demographics**

- i. Total number of perpetrators by race/ethnicity**
- ii. Crime against Latinos**
- iii. Latino client demographics**

### **III. Explanation of crimes**

- i. Crime data comparison**
- ii. Assault data**
- iii. Gun assault/robbery data**
- iv. Domestic violence data**
- v. Sexual assault data**

### **IV. ICE in Philadelphia**

### **V. Categories of visas and petitions**

- i. U visa**
- ii. VAWA**
- iii. 601A petition**
- iv. Asylum**

### **VI. Location of crimes – u visa statistics**

### **VII. Post-Traumatic Stress Disorder**

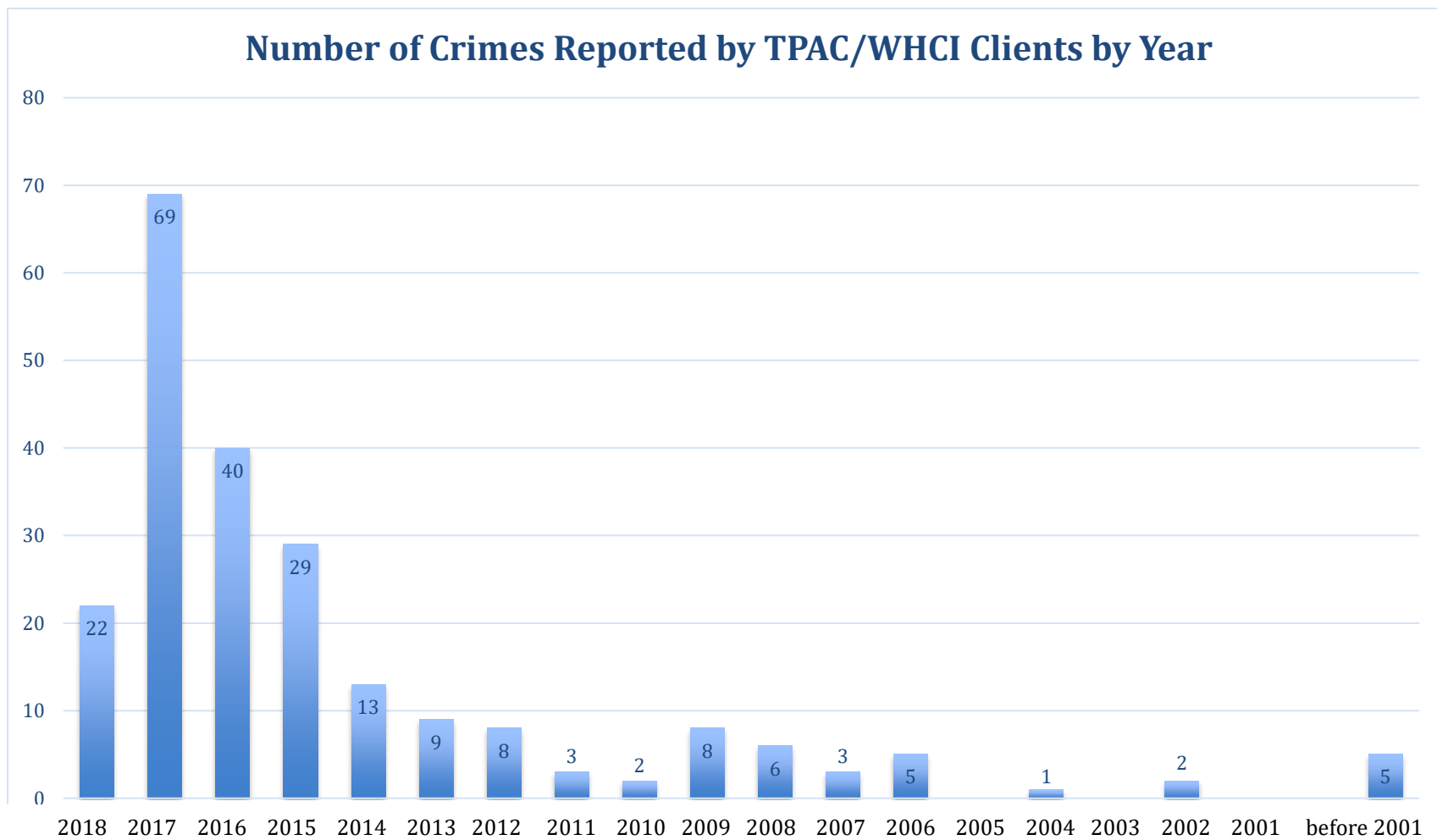
## Overview

Figures used in this report were submitted voluntarily by clients who were victims of crimes and have received services at TPAC/WHCI between 2015 - 2018. Individuals using these tabulations are cautioned against drawing conclusions by making direct comparisons between races/ethnicities. Comparisons lead to simplistic and/or incomplete analyses that often create misleading perceptions, adversely affecting communities and their residents. Valid assessments are possible only with careful study and analysis of the range of unique conditions affecting each community and jurisdiction. It is important to remember that crime is a social problem and therefore a concern of the entire community. The data user is therefore cautioned against comparing statistical data of individual tables.

This document describes statistical data and direct experiences from the community being served by TPAC/WHCI. In some cases, the information described was gathered directly from police reports and/or a district attorney's office.

There are factors described in the following statements that only represent but a collection of possible conditions that could have influenced the increase of victims for the year 2017-18 (see table 1):

- The current administration and perception of permissibility for racial/ethnic discrimination, stated by President Trump during his candidacy (2015)<sup>1</sup>:
  - “They’re bringing drugs. They’re bringing crime. They’re rapists...”
  - “The Mexican legal system is corrupt, as is much of Mexico. Pay me the money that is owed me now - and stop sending criminals over our border”
- Socioeconomic factors that make undocumented immigrants vulnerable:
  - They are easy targets because they carry cash instead of checks.
  - They are easy targets because they are afraid of the police and therefore, they do not report crimes.
  - They are afraid of deportation.

**Table 1**

### Crime Perpetrators

Of all crimes committed against our Latino clients, 58.9% were committed solely by African Americans (table 3). Out of the total number of perpetrators of the crimes reported, 65.3% were African American (table 2). We believe this is neither a racial nor ethnic issue, but a socioeconomic factor and the combination of the above circumstances that creates an environment that allows for the types of crimes described in this document.

**Table 2**

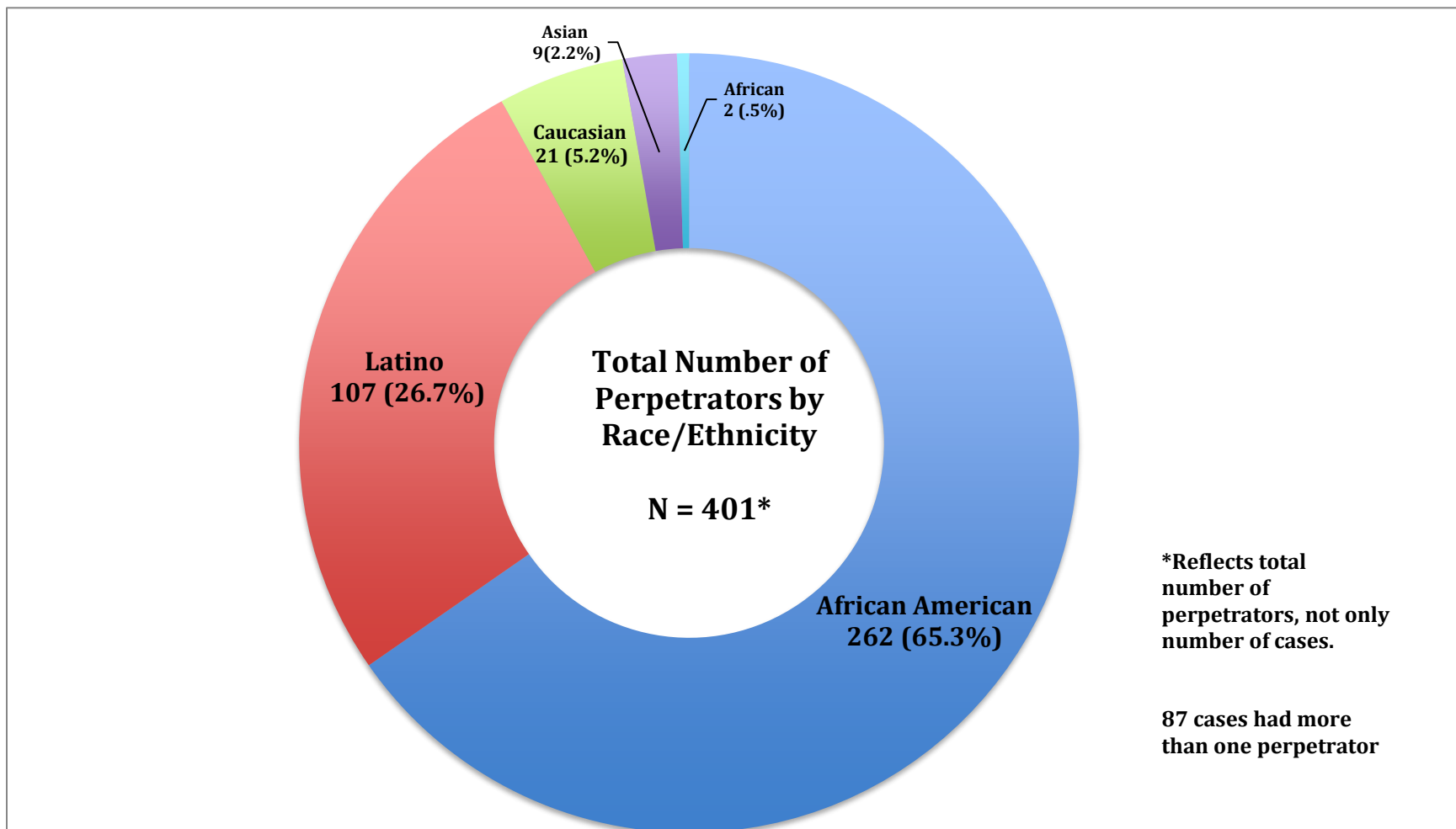
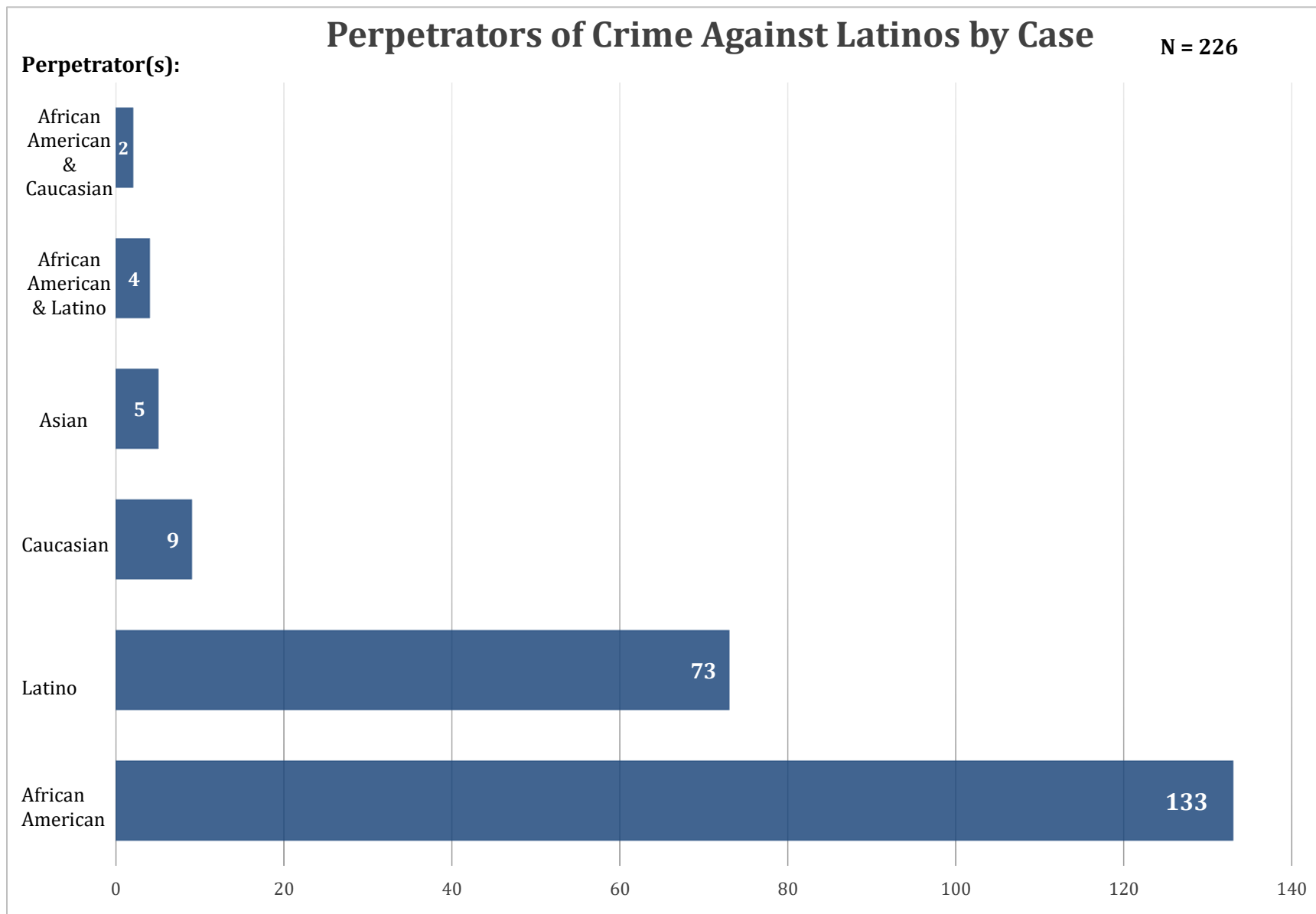


Table 3



According to the Philadelphia Police department, in 2017 the following crimes increased during the new administration that began in 2017:

- Homicide increased from 272 in 2016 to 310 in 2017; a 14% increase
- Robbery/other increased from 3,516 in 2016 to 3,531 in 2017
- Theft increased from 576 in 2016 to 608 in 2017; a 6% increase
- Retail theft increased from 7,622 in 2016 to 7,747 in 2017; a 2% increase.

This information reflects TPAC/WHCI's data for the crimes listed by the Philadelphia Police Department. Refer to table 4 for other crimes not listed by the Police Department that represent TPAC/WHCI's client data. It is important to highlight that most of the clients that TPAC/WHCI serves have been victims of assault (37%), gun assault/robbery (20%), followed by domestic violence (17%) and sexual assault (9%). Assault cases are further broken down (table 4.1) into different types of assault for further detail and analysis. It is important to note that most of the crime victims (93%) from TPAC/WHCI are Latinos (table 5).

Table 4

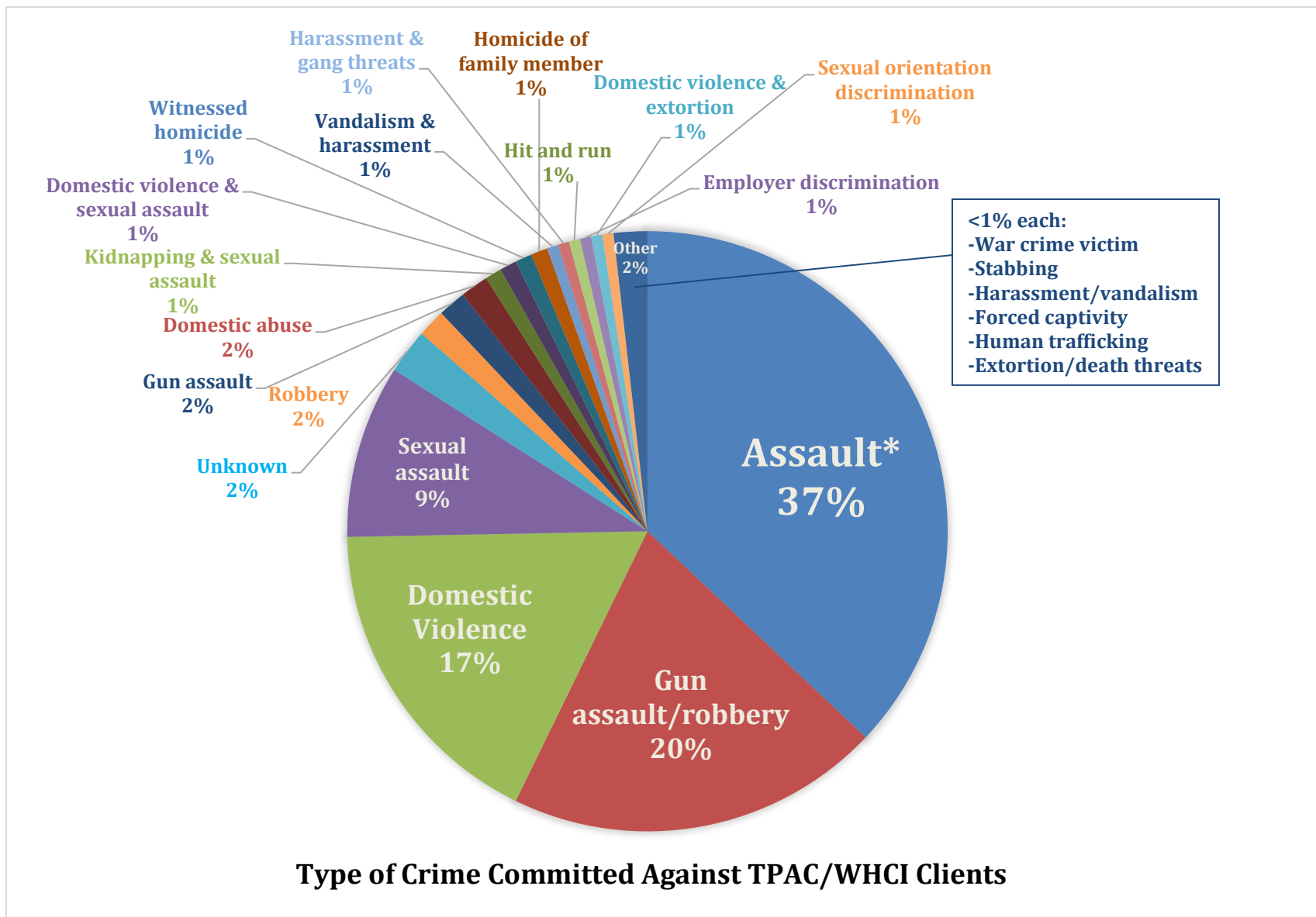




Table 4.1

### Breakdown of Assault Cases

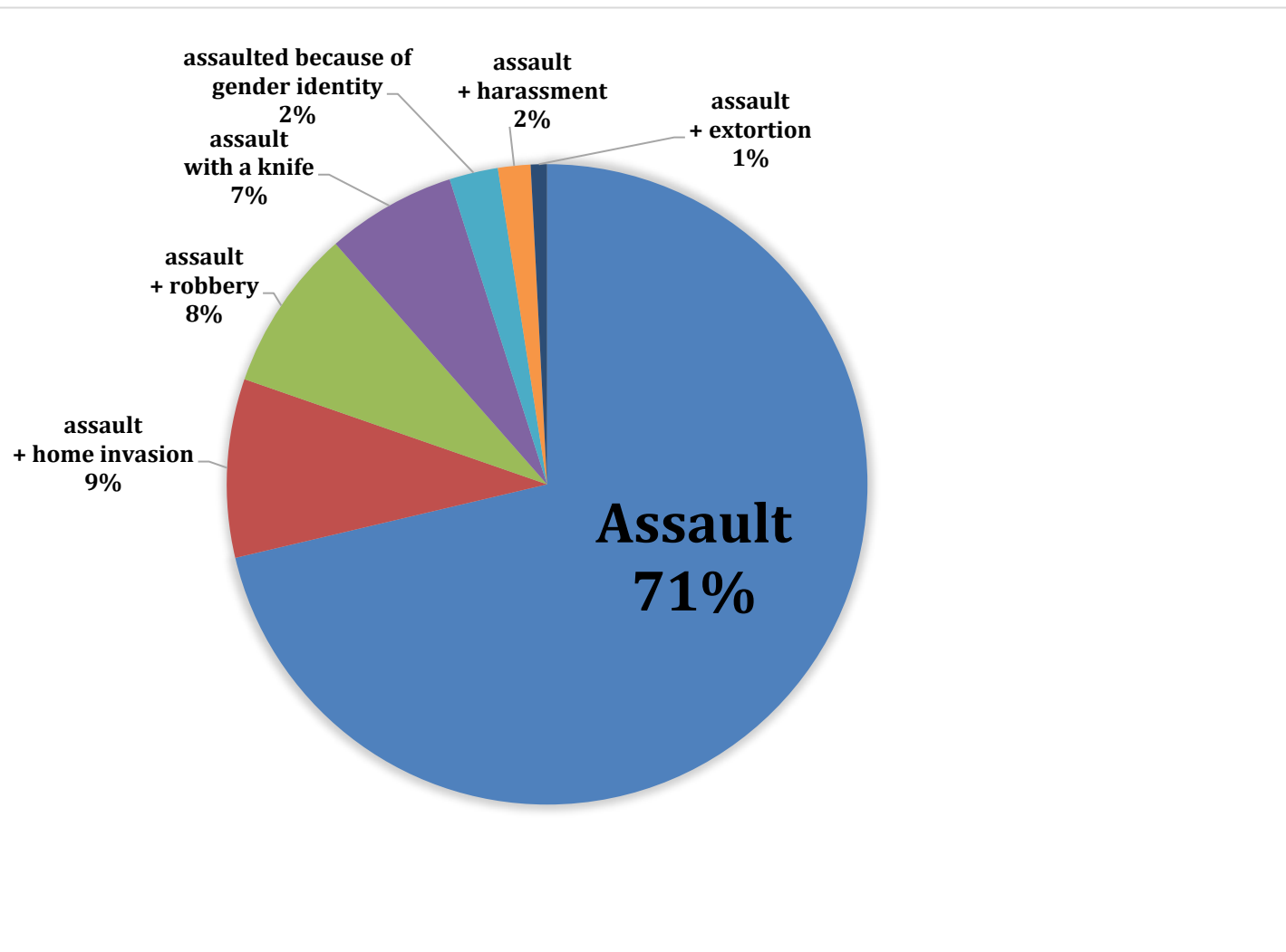
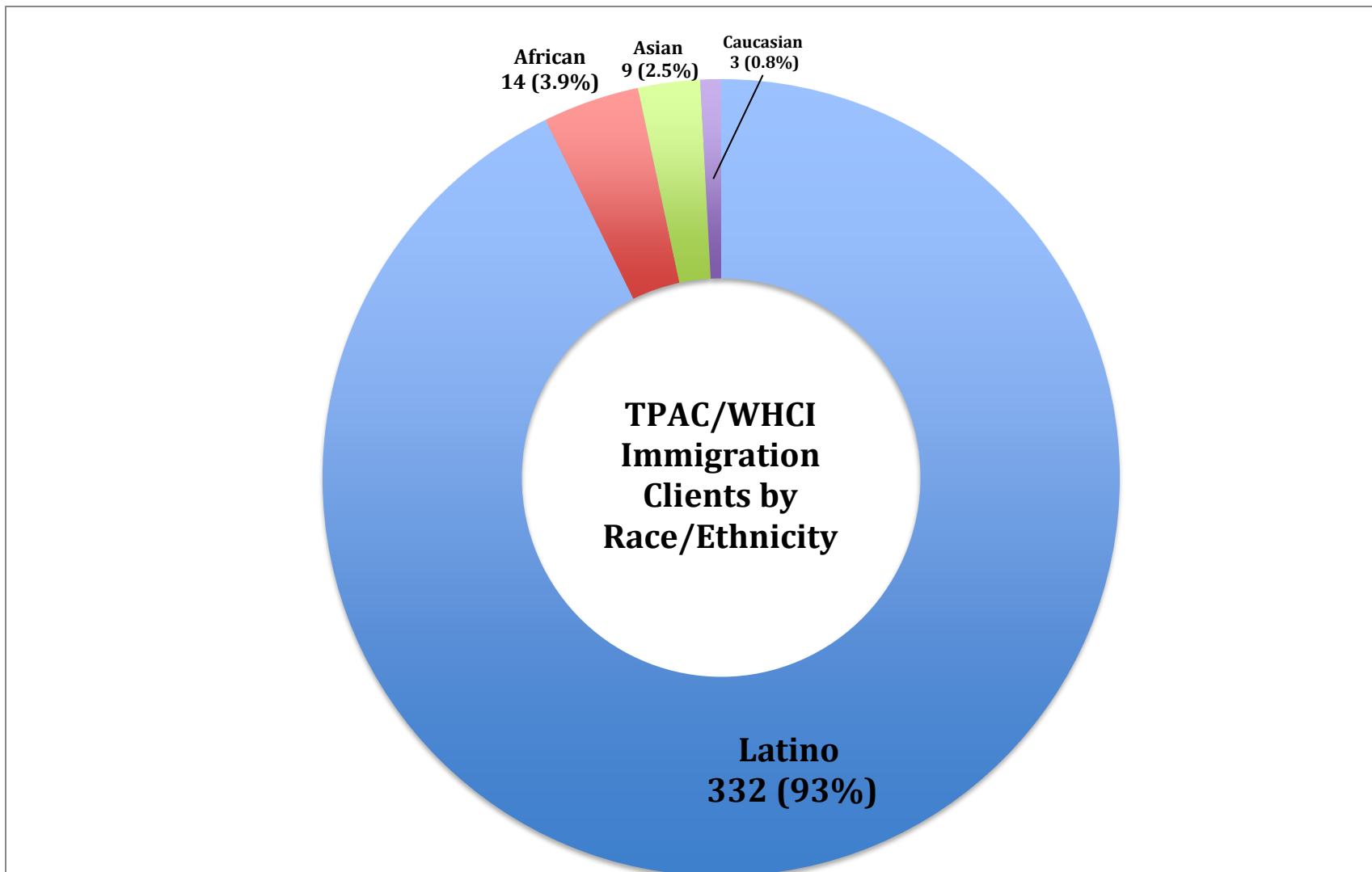


Table 5



There have been 29 different types of crimes and combinations of crimes reported by TPAC/WHCI clients. Some crimes are self-explanatory, while others may require further exploration. For this purpose, definitions of certain crimes are listed below:

### **Definitions of Crimes:**

**Assault** - An assault is the act of inflicting physical harm or unwanted physical contact upon a person or, in some specific legal definitions, a threat or attempt to commit such an action. It is both a crime and a tort and, therefore, may result in either criminal and/or civil liability.

**Gun assault/robbery** - Gun assault in this instance refers to intentionally pointing a gun at a person and/or hitting a person with their gun. All victims under this category of “gun assault/robbery” were assaulted by a gun and robbed.

**Harassment** - Harassment is governed by state laws, which vary by state, but is generally defined as a course of conduct, which annoys, threatens, intimidates, alarms, or puts a person in fear of their safety.

**Domestic Abuse** – This occurs when one person’s behavior or words are intentionally aimed at hurting another. Abuse is painful but does not necessarily stop someone from doing what s/he wants to do. A combination of abusive behaviors can turn the abuse to violence. If certain behaviors stop someone from making choices over their body or life or it takes control over another person’s body or life, that behavior is considered abusive.<sup>9</sup>

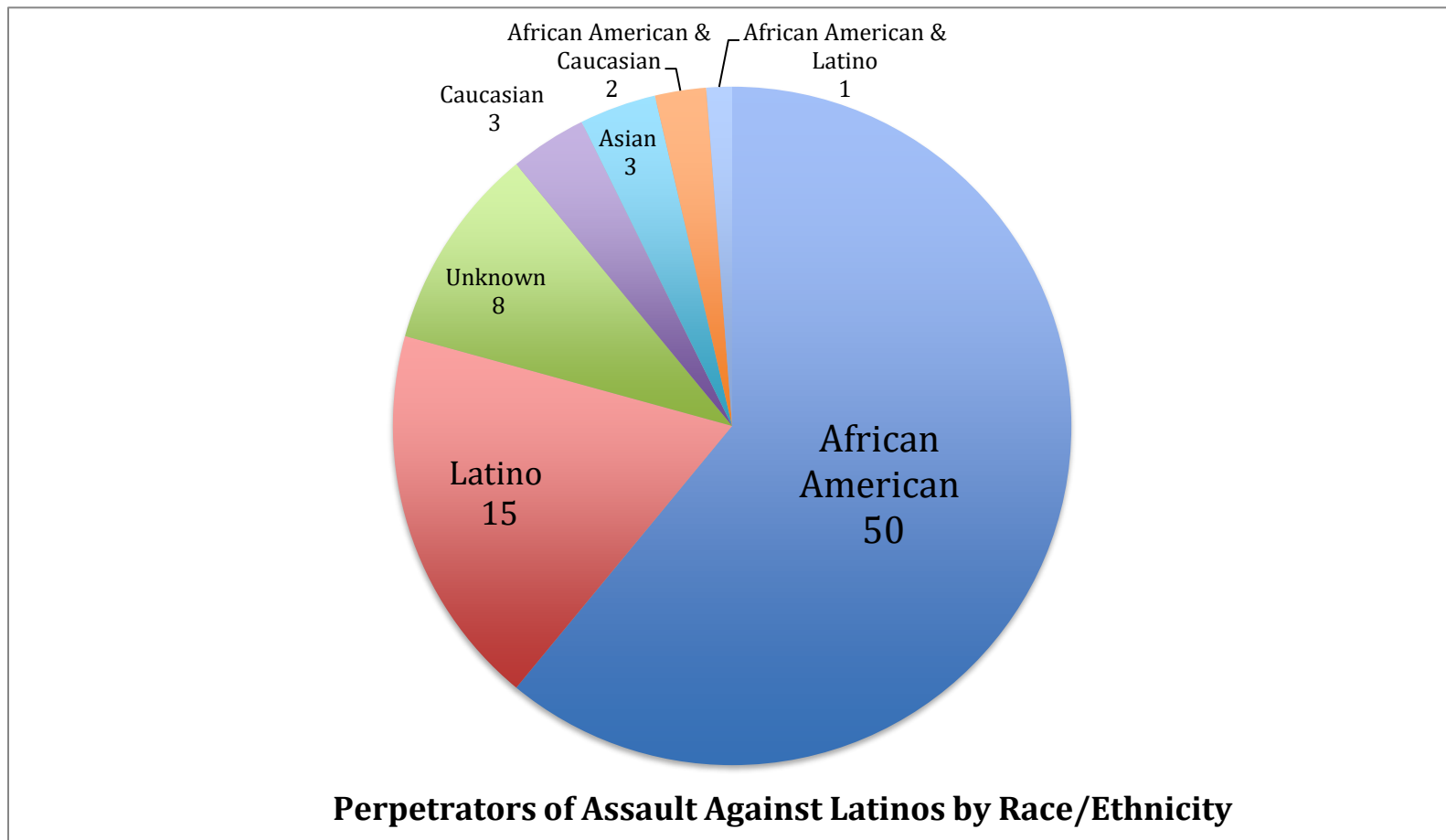
**Domestic Violence** - Abuse becomes violence when it causes you to fear for your life. Violence impacts every part of us—physical, emotional, spiritual and mental. Violence takes control of our lives and bodies away from us, at least for a few moments.<sup>9</sup>

**Sexual assault** - The term “sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.<sup>10</sup>

**Employer discrimination** - Employment discrimination laws seek to prevent discrimination based on race, sex, sexual orientation, religion, national origin, physical disability, and age by employers. Discriminatory practices include bias in hiring, promotion, job assignment, termination, compensation, retaliation, and various types of harassment.<sup>11</sup>

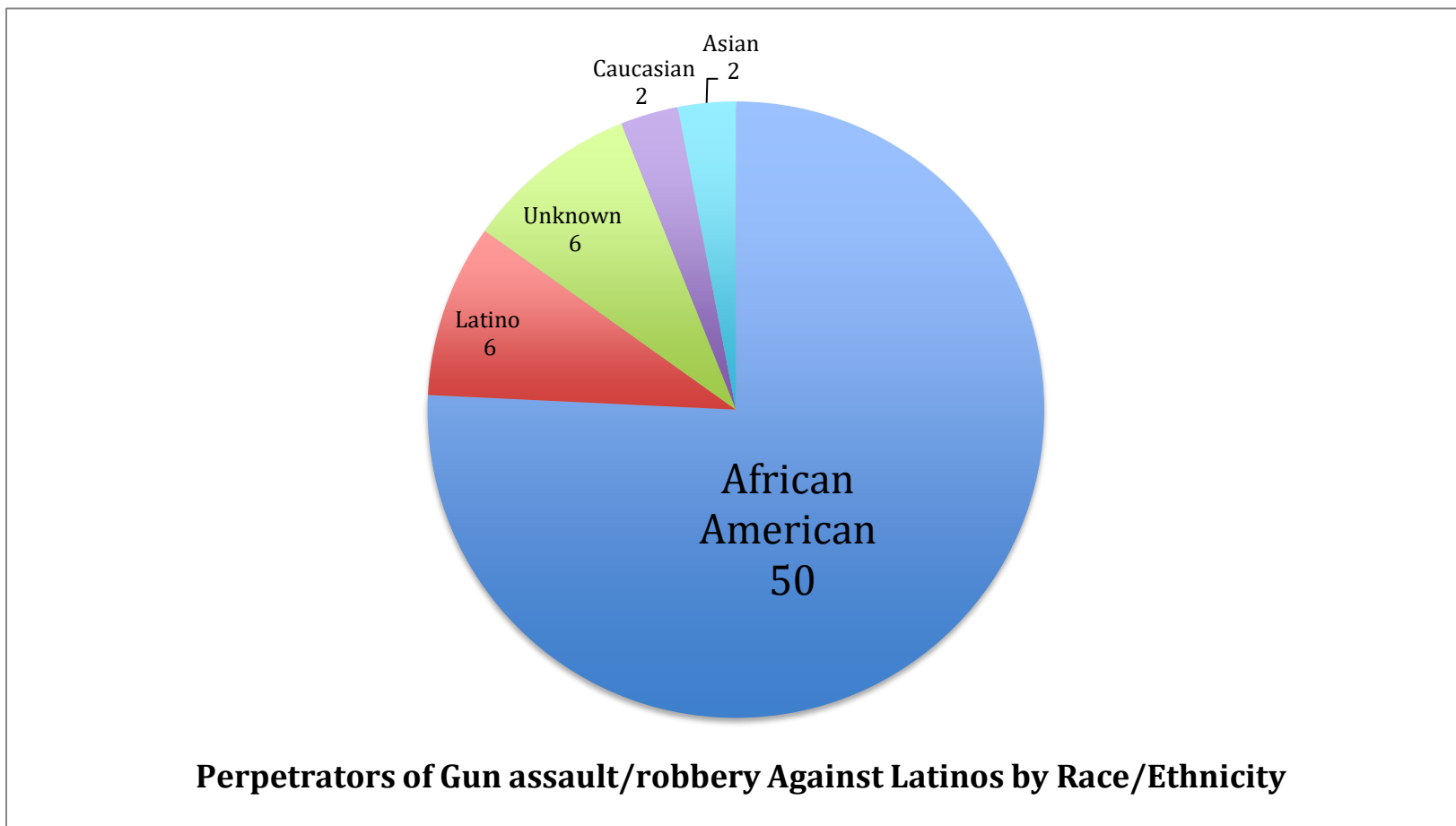
**Table 6**

**Assault cases** - There have been a total of 85 cases that involved assault. It is the most common crime committed against TPAC/WHCI clients. Of these 85 cases, 83 were committed against Latinos. The graph below includes perpetrators of assault against Latinos listed by race/ethnicity. Other crimes involving assault include assault with robbery, assault with home invasion, assault with a knife, assault due to gender identity, assault with harassment, and assault with extortion.



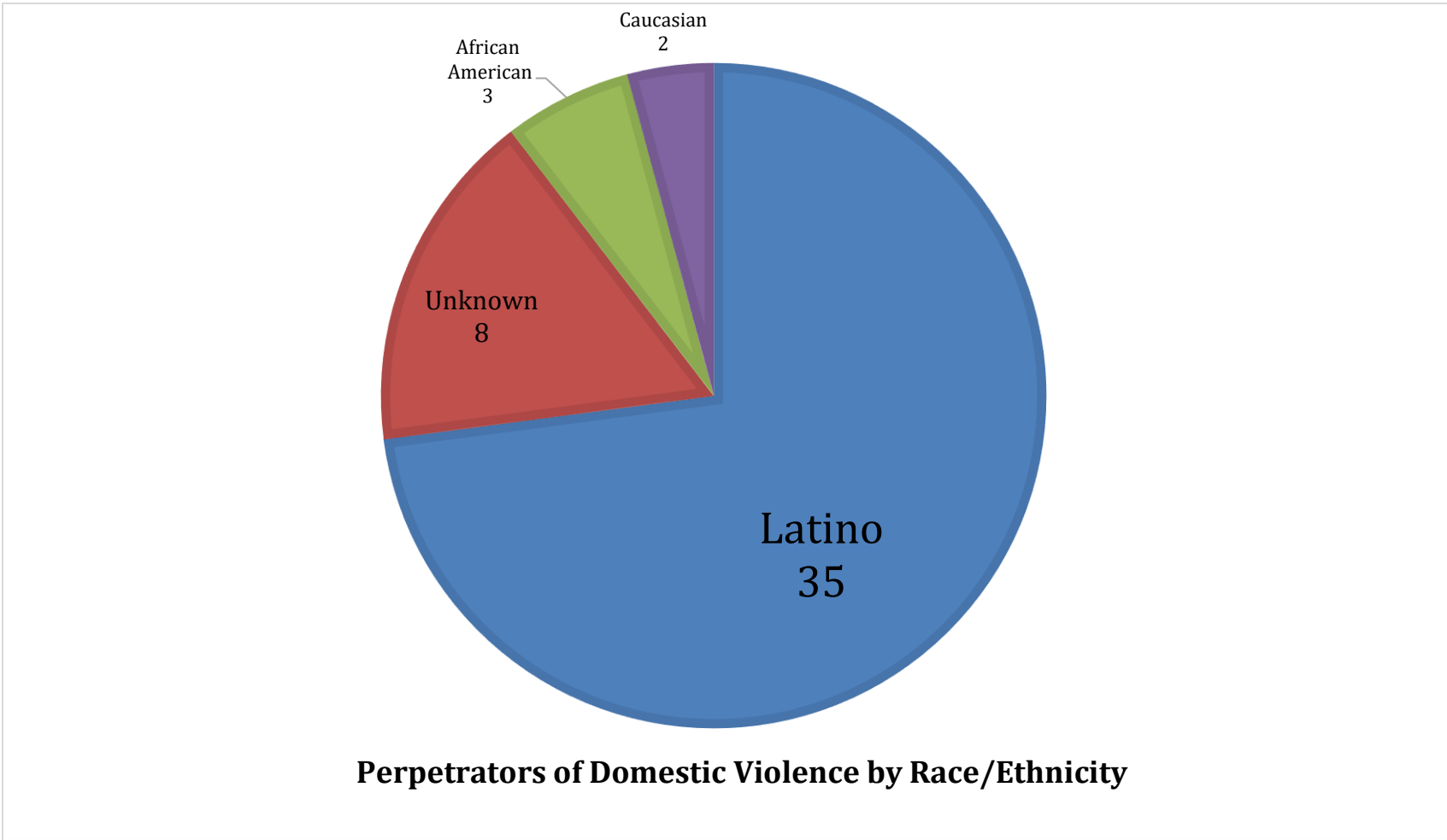
**Table 7**

**Gun assault/robbery** – Gun assault in this instance refers to intentionally pointing a gun at a person and/or hitting a person with a gun. All victims under this category of “gun assault/robbery” were assaulted by a gun and robbed. There have been a total of 69 cases that involved gun assault with robbery. Of these 69 cases, 66 were committed against Latinos.



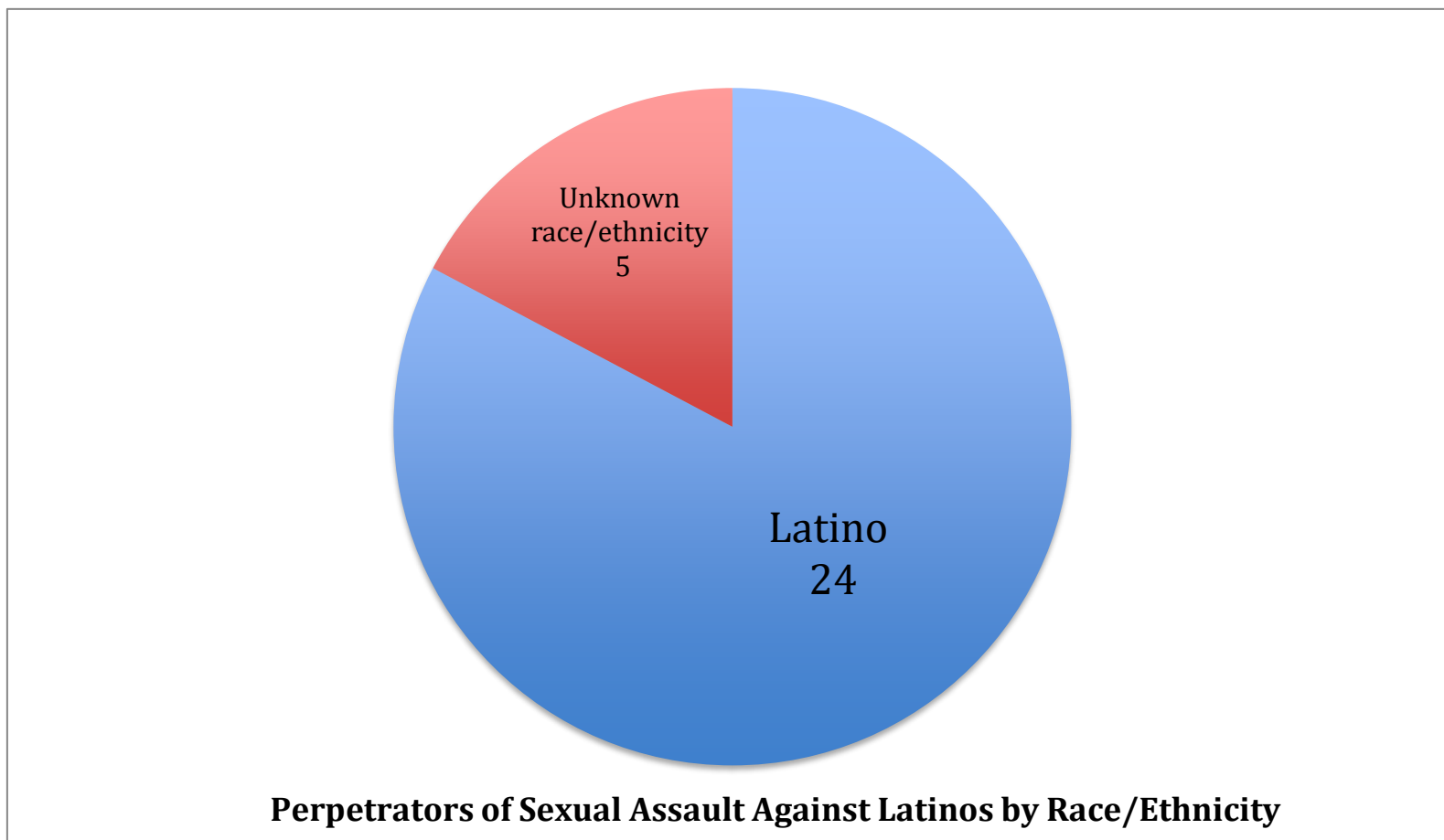
**Table 8**

**Domestic violence-** There have been a total of 58 domestic violence cases. Of these 58 cases, 48 were committed against Latinos. The number of perpetrators are listed in the graph below by race/ethnicity.



**Table 9**

**Sexual assault-** There have been a total of 30 sexual assault cases. Of those 30 cases, 29 were committed against Latinos. The perpetrators are listed below by race/ethnicity.



Little is known about the role of race and ethnicity in injury following assault particularly in sexual assault cases. Immigrants with dark skin may be at a disadvantage because their injuries are difficult to visualize with current forensic techniques.<sup>12</sup>

The numbers of injuries counted by the examiner during each aspect of the examination after sexual assault are:

- Visual inspection
- Colposcopy
- Contrast medium (staining) techniques (Toluidine Blue)

The last technique provides a contrast that on darker skin looks less obvious than on lighter skin color. Therefore, perpetrators tend to receive fewer consequences. This might also affect immigrants who apply for U visas, as the crime could appear less impactful rendering them denied of the visa.

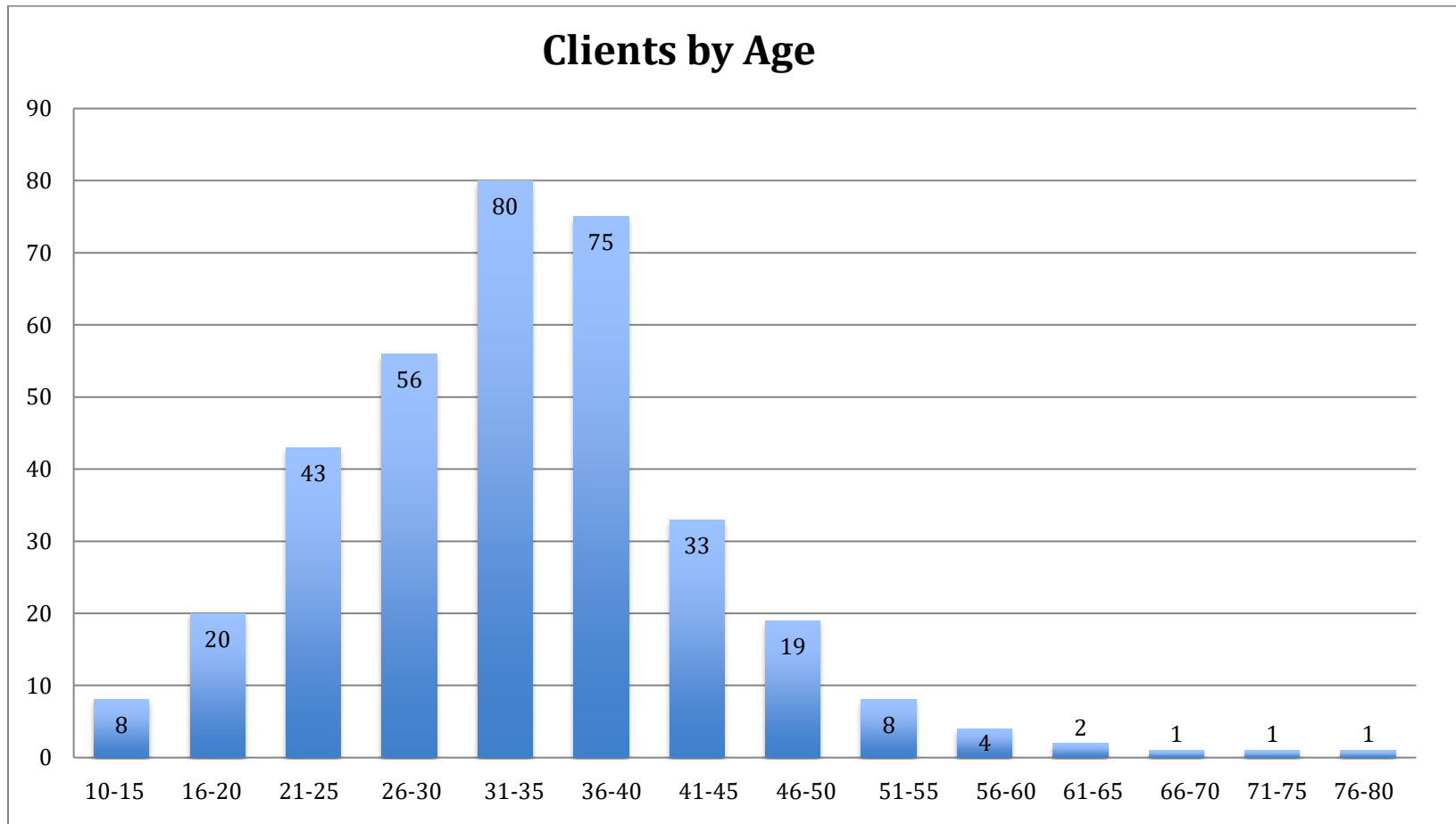
### **Intimate partner sexual violence**

Intimate partner sexual violence (IPSV) is any non-consensual sexual act, perpetrated by one partner against another, in an ongoing intimate relationship. IPSV is a serious public health problem with 10-14% of all women and 40-68% of all battered women experiencing IPSV in the United States.<sup>12</sup>

- IPSV is experienced by most physically abused women and associated with significantly higher levels of PTSD compared with women who experience physical abuse alone.
- IPSV is often perceived to be less serious than stranger rape and is often not classified as rape.
- IPSV results in serious consequences for its victims.
- Professionals do not routinely and sensitively assess for IPSV.
- IPSV is more likely to occur in relationships characterized by extreme physical violence.
- Men who sexually abuse their partners often use (1) emotional coercion, (2) assault when the victim is unable to consent (sleep), and (3) physical violence or threats of physical violence.



The age range of most crime victims (72%) are from 21 to 40 years old, representing a large portion of the work force in Latino communities; reinforcing the point that the assaults are based not only on ethnicity, but also socioeconomic status, immigration status and social norms. The victim can become an easy target because they tend to carry cash from work.

**Table 10**

### **ICE in Philadelphia**

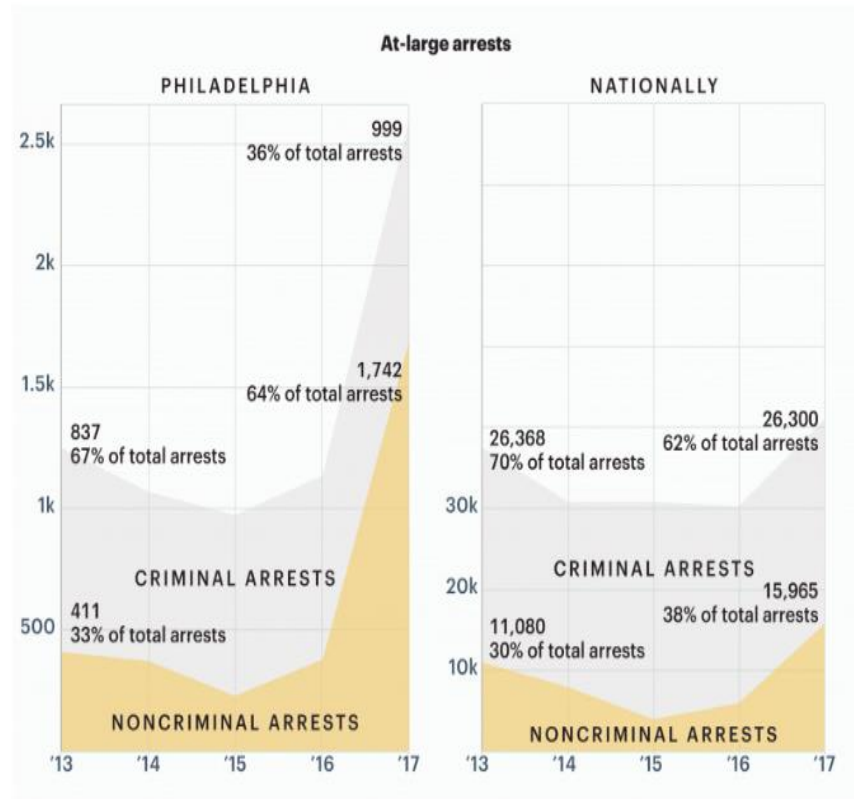
Currently we are experiencing some environmental factors that contribute towards the current fear of reporting crimes.

Based on TPAC/WHCI client testimonies, clients report:

- Police profiling continues to happen in sanctuary cities such as Philadelphia
- Police stop minority drivers and ask not only the driver for identifying documentation, but also the passengers.
- ICE waits outside businesses for workers to come out and detain them.
- People with green cards (permanent residents) are not allowed to get welfare services.
- ICE goes inside businesses and writes down names and addresses of all the workers.
- Workers do not learn the name of the companies where they work for fear of having to tell to ICE, so if they don't know they don't have to "tell".

### Philadelphia ICE Leads in Going After Those With No Criminal History

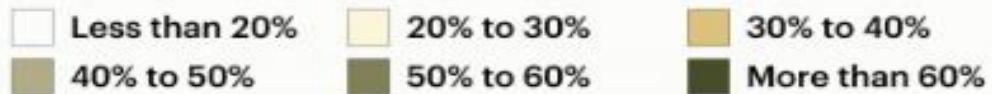
In 2017, the Philadelphia ICE office made more “at-large” arrests of immigrants without criminal convictions than any of their 23 regional counterparts.



Source: U.S. Immigration and Customs Enforcement; Credit: Jared Whalen/Philadelphia Inquirer

- Trump’s administration intention is to build a wall along the border with Mexico and to hold back money from “sanctuary cities.”
- Immigration agents will now have wider latitude to enforce federal laws and are being encouraged to deport broad swaths of unauthorized immigrants.
- Trump’s order focuses on anyone who has been charged with a criminal offense, even if it has not led to a conviction.
- Includes anyone who has “committed acts that constitute a chargeable criminal offense,” meaning anyone the authorities believe has broken any type of law — regardless of whether that person has been charged with a crime.
- Anyone who has used a false Social Security number to obtain a job, as many unauthorized immigrants do.
- Anyone who has received a final order to leave the country, but has not left, is also considered a priority.
- Immigration officers were also given the faculty to judge any individual who poses a risk to either public safety or national security.
- The order defines criminal loosely and includes anyone who has crossed the border illegally — which is a criminal misdemeanor.
- Anyone who has abused any public benefits program is also considered a criminal under the order.
- Any unauthorized immigrant who is not protected by Deferred Action for Childhood Arrivals.<sup>3</sup>

**Percentage of at-large arrests of immigrants without criminal convictions**



Source: U.S. Immigration and Customs Enforcement; Credit: Jared Whalen/Philadelphia Inquirer

## Explanation of visas and petitions:

An explanation of the various visas and petitions clients are in the process of applying for are described in detail below for better understanding. Table 11 provides a percentage breakdown of the different types of visas/petitions, table 12 is a description of U visa applicants, table 13 is a description of clients who are applying for VAWA self-petitions, table 14 is a description of clients who are applying for 601A waivers, and table 15 is a description of asylum applicants.

**U visa:** According to the United States Citizenship and Immigration Services (USCIS), 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. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes, while also protecting 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. The legislation also helps law enforcement agencies to better serve victims of crimes.<sup>4</sup>

**Asylum:** You may apply for asylum if you are at a port of entry or in the United States. You may apply for asylum regardless of your immigration status and within one year of your arrival to the United States. <sup>4</sup>

You will not be eligible to apply for asylum if you:

Filed your application after being in the United States for more than one year. However, you may qualify for an exception if you show:

1. changed circumstances materially affecting your asylum eligibility for asylum or
2. extraordinary circumstances relating to your delay in filing.
3. You must still file your application within a reasonable time under the circumstances to be eligible for an exception.

**VAWA (Violence Against Women Act) petition:** VAWA self-petitions are available to:

- Spouses and former spouses of abusive U.S. citizens or lawful permanent residents. Divorced spouses may self-petition if the termination of the marriage was related to the abuse and if the application is filed within two years of the termination of the marriage.
- Children of abusive citizens or lawful permanent residents who file before turning 25.
- An immigrant parent of an abused immigrant child, even if the immigrant parent is not herself abused.
- Non-citizen spouses whose children are abused by the child's other U.S. citizen or lawful permanent resident parent.<sup>5</sup>

**601A waiver:** Eligibility for a 601A waiver is not clearly defined by statute, but the USCIS categorizes four levels of arguments that might qualify an individual for a 601 waiver, Level 1 being the strongest and Level 4 being the weakest. Generally, USCIS officials are looking for at least one Level 1 argument or several lower-level arguments in order to grant a waiver. The following are examples of each level:<sup>6</sup>

- *Level 1:* Relative has a major medical issue and cannot safely travel abroad, making it necessary for the alien to remain in the U.S. to care for the relative; alien's country is in a state of active war
- *Level 2:* Relative has a serious medical condition that makes moving abroad very difficult, and needs the alien's help; alien's country is on the verge of a major political upheaval
- *Level 3:* Relative has a significant condition making it difficult to move out of the country; alien's home country has an extremely poor economy
- *Level 4:* Relative would not be able to pay debts by moving abroad; relative's parents are aging

**Humanitarian:** USCIS provides several humanitarian programs and protection to assist individuals in need of shelter or aid from disasters, oppression, emergency medical issues and other urgent circumstances.<sup>4</sup>

**T visa:** T nonimmigrant status is a temporary immigration benefit that enables certain victims of a severe form of human trafficking to remain in the United States for up to 4 years if they have assisted law enforcement in an investigation or prosecution of human trafficking. T nonimmigrant status is also available for certain qualifying family members of trafficking victims.<sup>4</sup>

**H-1B:** The H1B program allows companies in the United States to temporarily employ foreign workers in occupations that require the theoretical and practical application of a body of highly specialized knowledge and a bachelor's degree or higher in

the specific specialty, or its equivalent. H-1B specialty occupations may include fields such as science, engineering and information technology. <sup>4</sup>

**Bond request:** A detainee is eligible for a bond when they prove that they are not a danger to the community and are not at flight risk. In some cases, a detainee is not eligible for a bond, for instance due to certain criminal convictions or because they have already been deported in the past. In other cases, ICE refuses to give a bond to detainees who they think are not cooperating with them by answering their questions. <sup>7</sup>

**Green card:** Having a Green Card (officially known as a Permanent Resident) allows you to live and work permanently in the United States. The steps you must take to apply for a Green Card will vary depending on your individual situation. <sup>4</sup>

Table 11 - Immigration Status

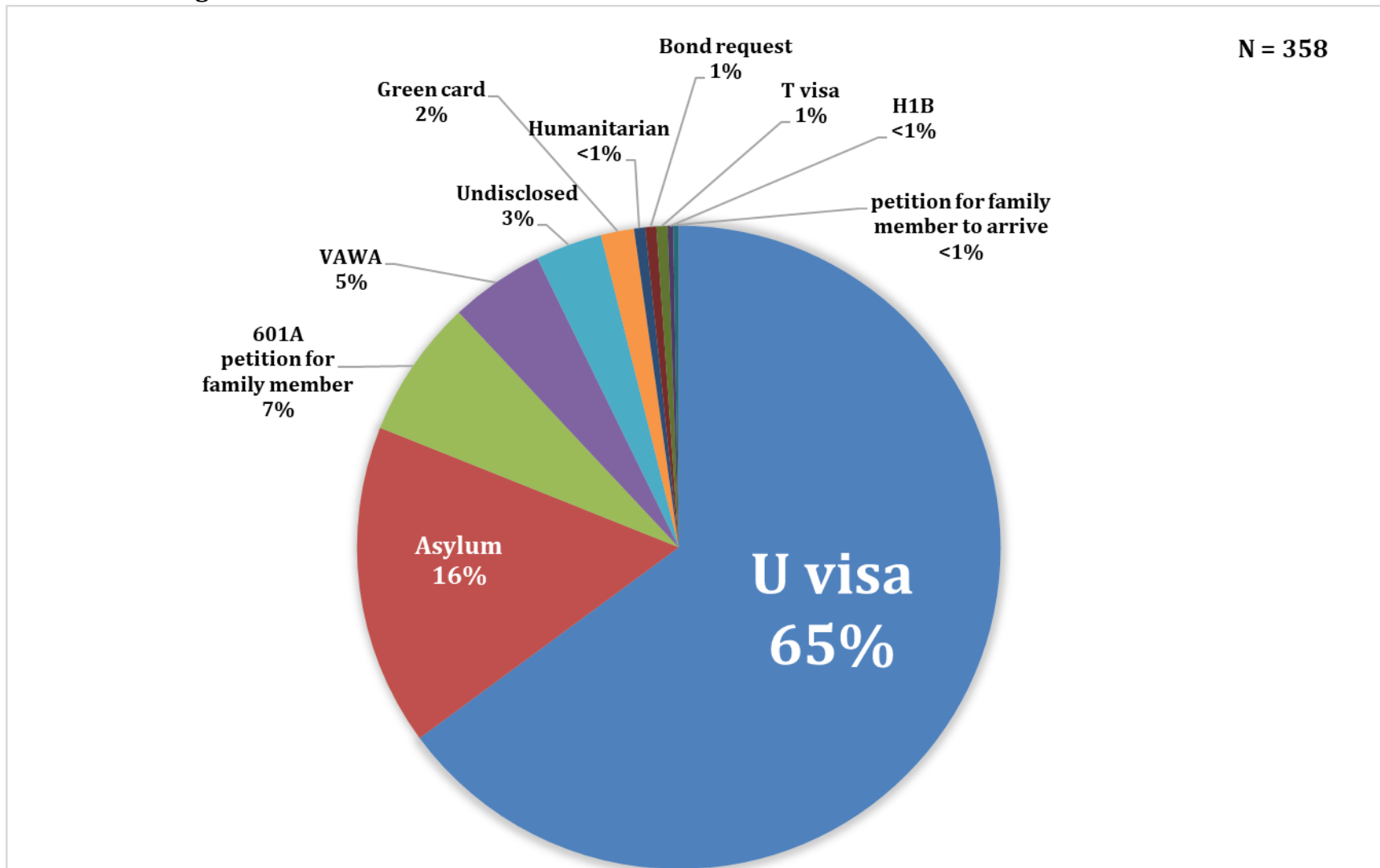
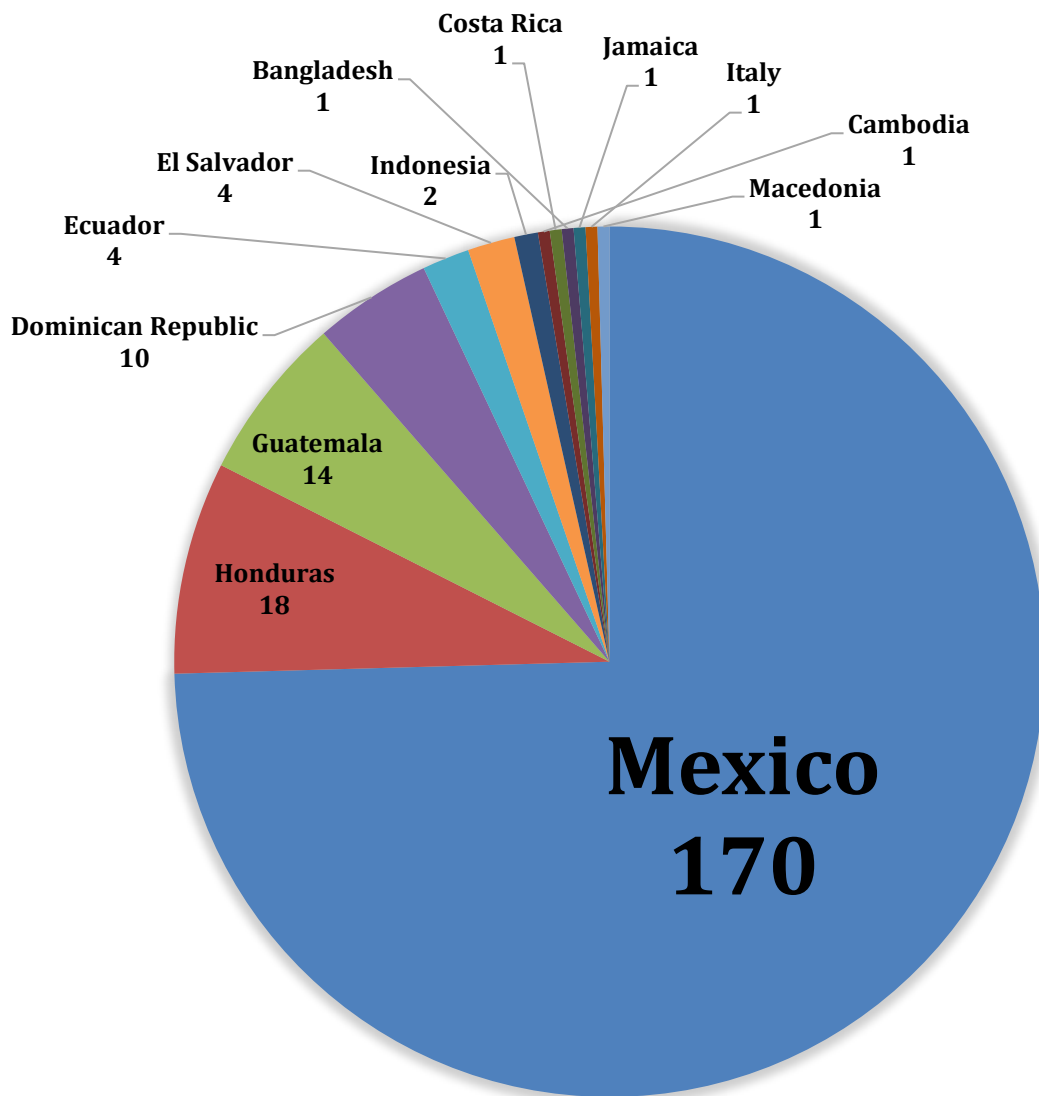




Table 12

### U visa applications by country of origin



N = 228

### U visa - Location of Crimes

Most of the crimes that have been committed against our clients have occurred in South Philadelphia (zip codes 19145, 19146, 19147 and 19148). This is important to note in relation to the race/ethnicity of our clients who are victims of crimes in the United States. Most of our clients are from Mexico, Honduras and Guatemala, which make up the majority of the Latino population living in South Philadelphia. The following table represents where crimes have occurred in Philadelphia according to our client's testimonies. Other crimes that have been reported that occurred outside of Philadelphia are listed separately. Crimes that occurred outside of the United States are not included in this table.

### Total Crime Reported by States

Pennsylvania	182
Philadelphia	160
Other PA counties	22
New Jersey	10
Delaware	2
Colorado	1
Oklahoma	1

Zip Code	Philadelphia Neighborhood	Total Number of Crimes reported
19148	South Philadelphia	77
19147	South Philadelphia	29
19146	South Philadelphia	9
19145	South Philadelphia	8
19133	North Philadelphia East	6
19140	Nicetown/North Philadelphia	4
19142	Elmwood	4
19122	Norris Square	3
19104	University City	2
19120	Olney	2
19124	Northeast Philadelphia	2
19130	Fairmount	2
19132	Allegheny West	2
19139	Haddington	2
19143	Kingsessing	2
19151	Overbrook	2
19103	Rittenhouse	1
19107	Center city	1
19121	North Philadelphia West	1
19131	Wynnefield	1
19134	Port Richmond	1
19138	East Germantown	1

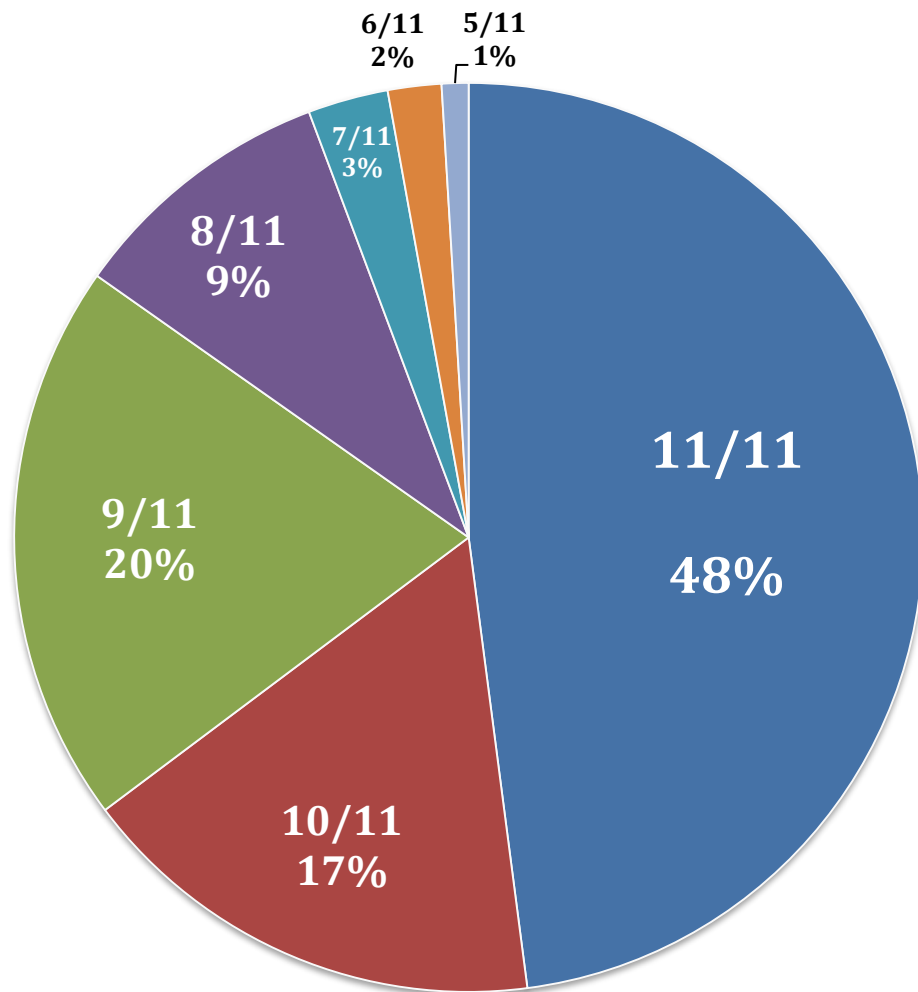
## Post-Traumatic Stress Disorder (PTSD)

The most common consequence victims of crimes face are a collection of symptoms that are referred to as Post Traumatic Stress Disorder (PTSD). TPAC/WHCI provides services by conducting mental health evaluations that consider the PTSD symptomatology (Foa in 1993) and use 11 characteristics defined as follows:

1. Feeling disconnected to the world around, almost like being in a bubble
2. Feeling anxiety/panicky most of the time
3. Having intrusive thoughts which are often displaced (i.e., negative thought about someone you actually care a lot about)
4. Having nightmares/night terrors/flashbacks
5. Headaches/stomachaches on a regular basis that you did not have before
6. Avoidance of people, places, things that remind them of the incident that caused the PTSD
7. Feelings of numbness or avoidance of feeling or emotion
8. Low self-esteem or a lack of confidence since the incident
9. Suffering from “hyper-vigilance” or being “on guard” all the time while looking out for danger.
10. Experiencing muscle aches and pains, diarrhea, irregular
11. heartbeat, feelings of pain and fear, depression, drinking too much alcohol or using drugs (including painkillers).
12. Irritability most of the time and have difficulty concentrating.

If eight or more of these symptoms are present and ongoing for the past two months, there is a strong possibility of PTSD which TPAC/WHCI further addresses in ongoing counseling sessions/treatment. Most clients receive a score of 8 or above.

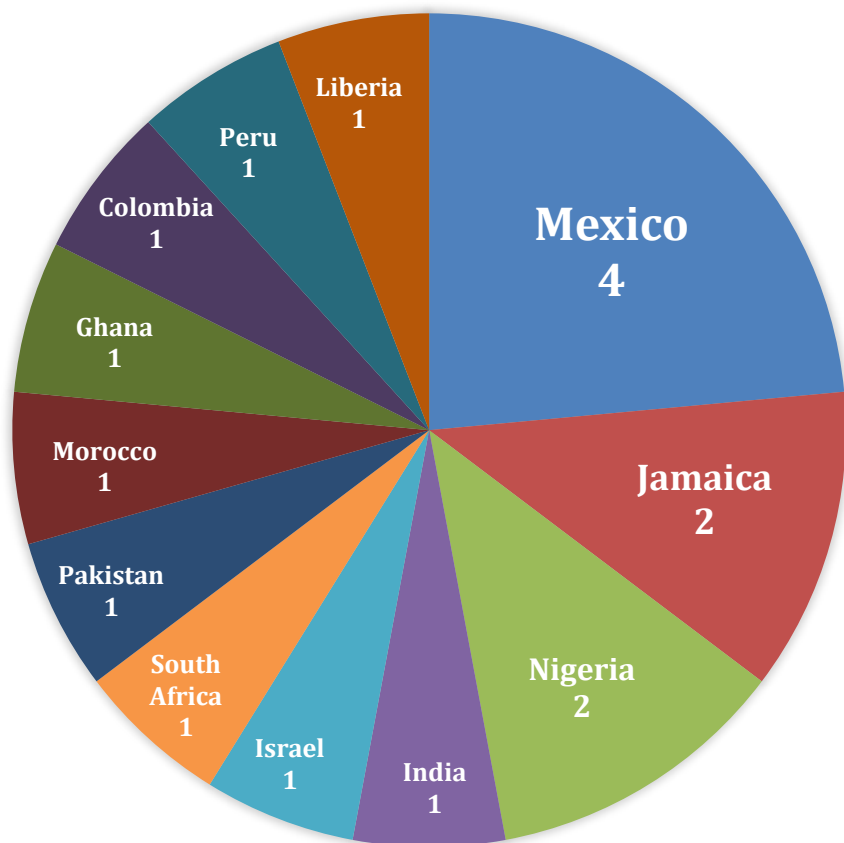
### Client PTSD Score



**11/11 is the highest level of PTSD, meaning every possible PTSD symptom is present.**

Table 13

### VAWA PETITIONS

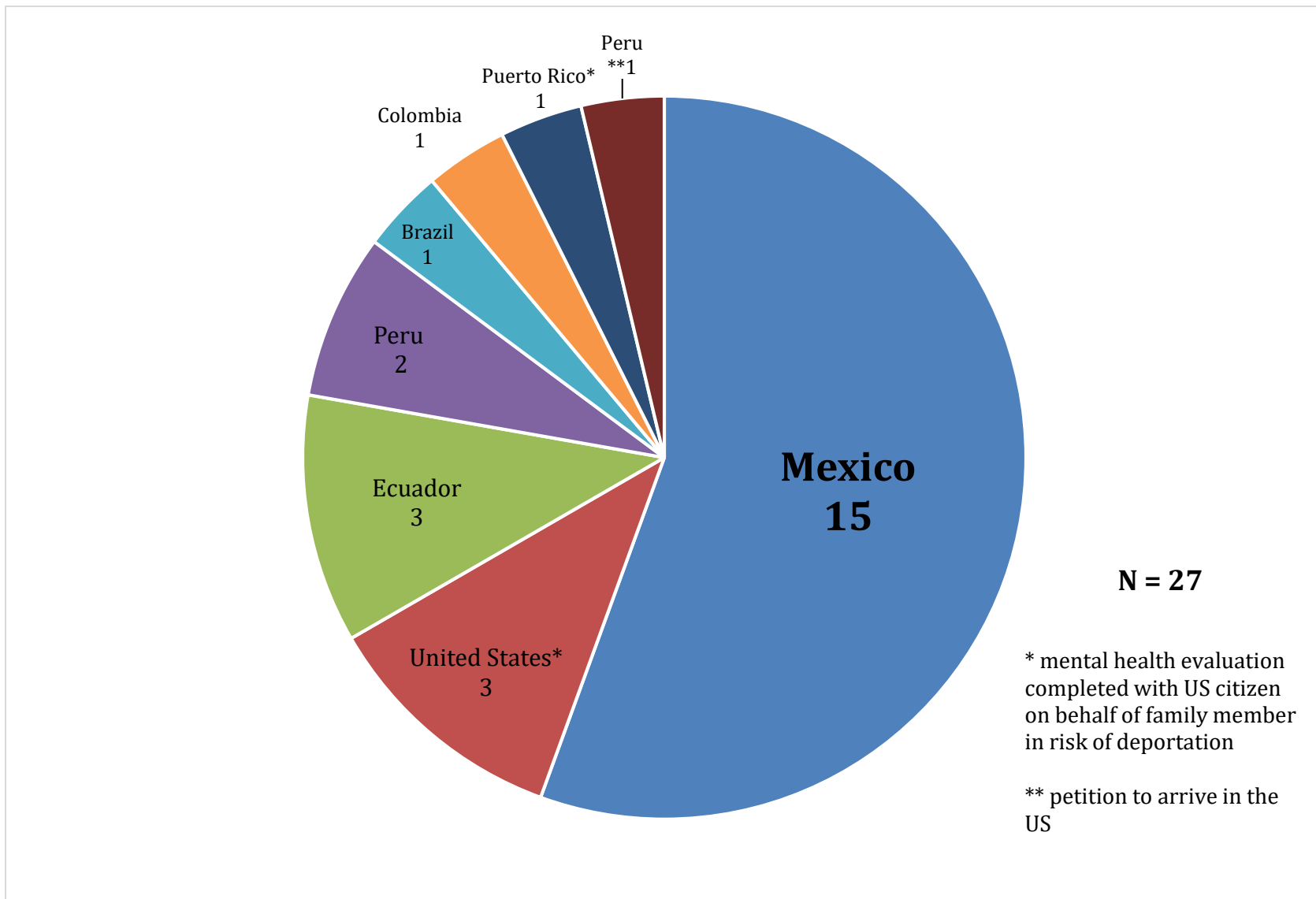


17 clients total: 9 females and 8 males. Although VAWA stands for Violence Against Women Act, males can self-petition as well.

Requirements:

1. You suffered extreme cruelty or abuse during a marriage to a US citizen or lawful permanent resident;
2. You entered into a good faith marriage with your abusive spouse;
3. You resided with your abusive spouse;
4. You are a person of good moral character (showing that you are a person that has positive equities and makes a valuable contribution to society).

Table 14 - 601A Petitions



### **Asylum applications and policy changes**

It is important to note the reasons why clients are applying for asylum due to the current political administration's desire to change policies regarding asylum applications, such as Attorney General Jeff Session's Interim Decision #3929. Most of TPAC/WHCI clients that are applying for asylum are doing so because of domestic violence and gang related crimes in their home country. It is relevant to mention that gang related crimes are not always listed as such, (see table 15) because the crime can vary. Some crimes listed are: extortion, death threats, harassment, forced captivity, witness of a homicide, human trafficking, gun assault and robbery, and they may be overlapped with more than one crime.

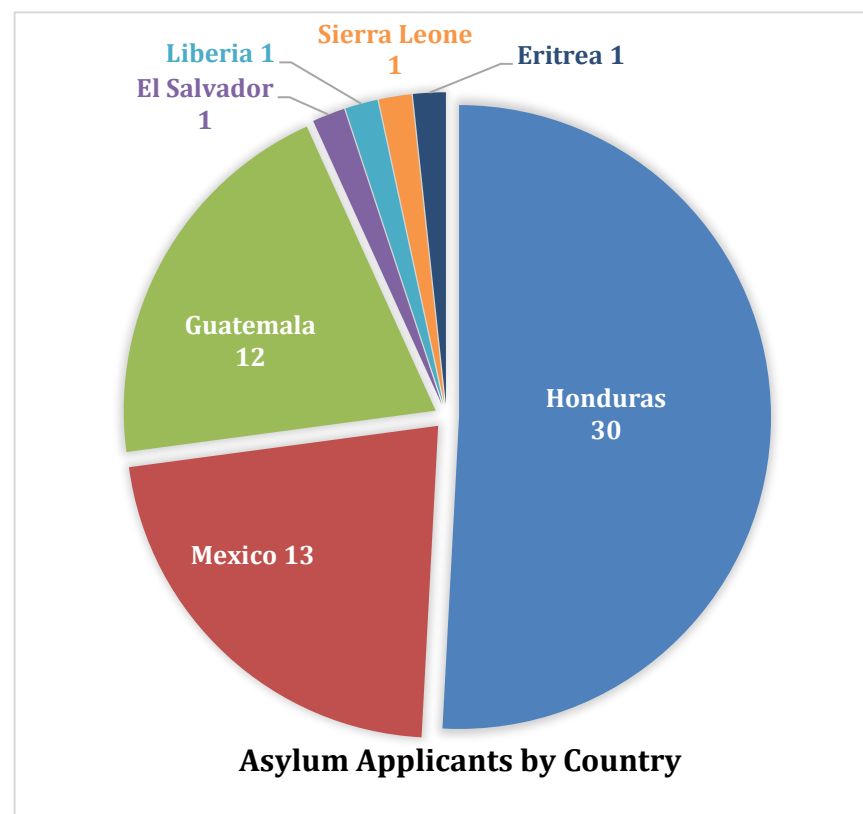
According to USA Today, "The Trump administration formally activated its new asylum crackdown; a move that could make it even more difficult for immigrants seeking refuge in the U.S. The previous provisions had drawn thousands of applicants from Central America, including women who had sought safe haven from troubled personal relationships in which they were subjected to repeated physical, emotional and sexual abuse".<sup>8</sup>

## Asylum Cases

Domestic violence is the most common reason for why our clients apply for asylum. A total of 59 clients are in the process of applying for asylum. Most current cases of asylum are from Honduras and Guatemala within the last 2 years, while the cases from Mexico are in its majority before 2016. This reflects current migration trends from Central America.

Reason for asylum	Number of Cases
Domestic violence	16
Sexual assault	8
General Assault	3
Unknown	2
Domestic abuse/sexual assault/harassment	2
Domestic violence/harassment/extortion	2
Sexual orientation discrimination	2
Harassment & threats by gangs	2
Assault & Extortion	1
Assault & Home Invasion	1
Extortion/robbery/death threats	1
Forced captivity/sexual assault	1
Gun assault/robbery	1
Assault Gender Identity	1
Harassment/extortion	1
Human trafficking	1
Sexual assault/assault/kidnapping	1
Sexual assault/harassment	1
War crime victim	1
Homicide witness	1

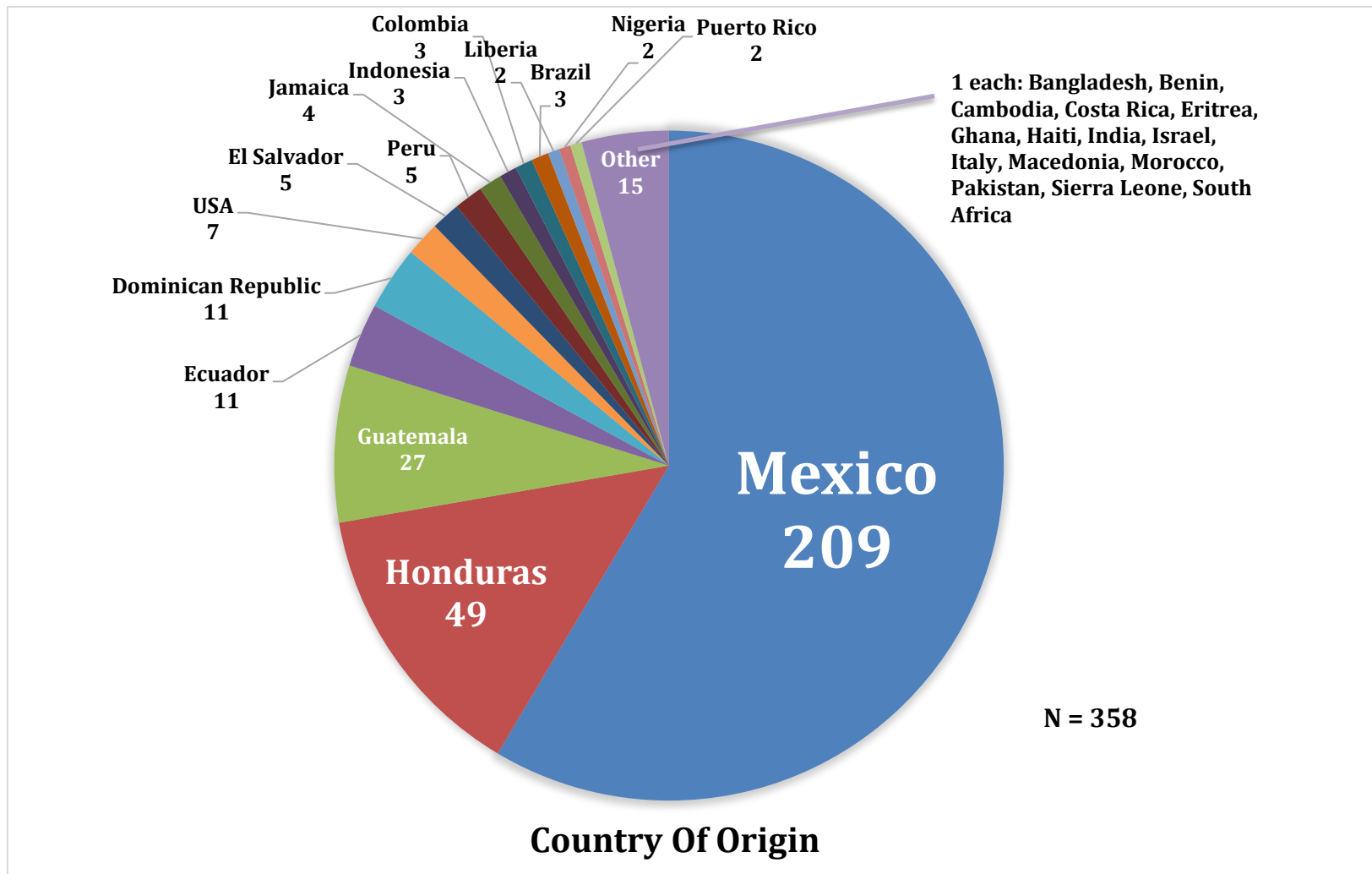
**Table 15**



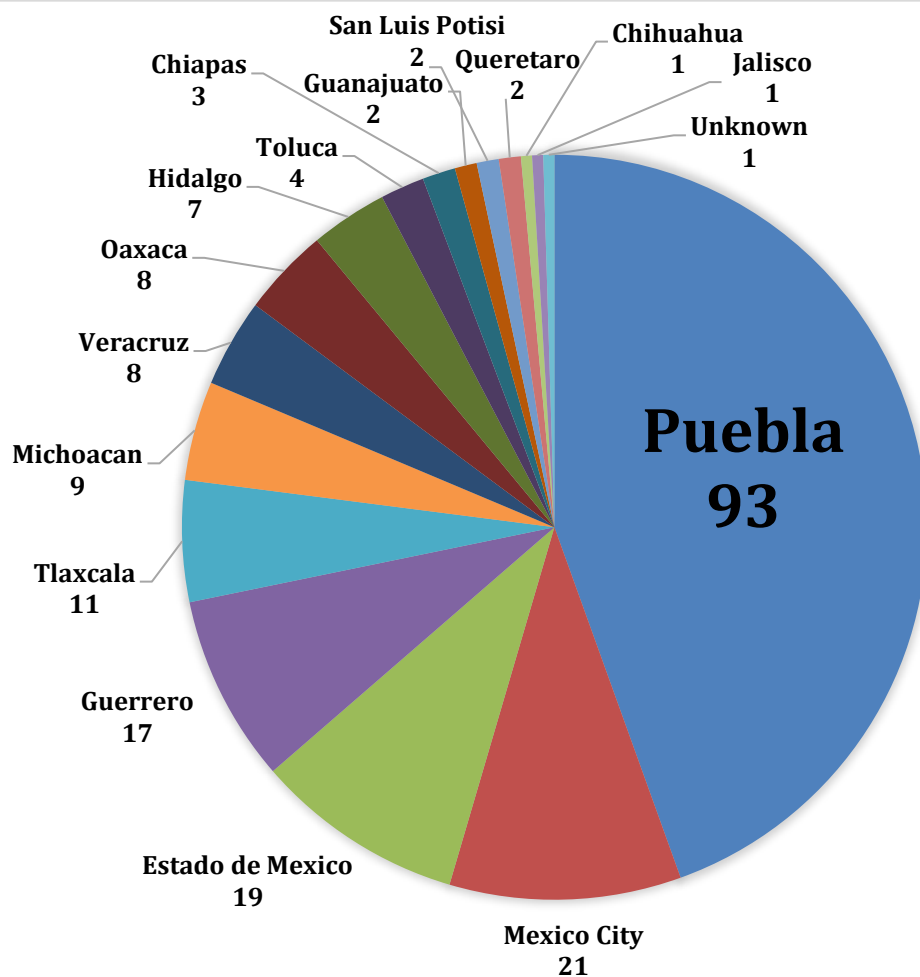


**Client Diversity**

TPAC/WHCI serves clients from all over the world. Clients we served that received mental health evaluations for their immigration cases come from 30 different countries. Over half of our clients come from Mexico, and where they are from in Mexico is further broken down in table 17. Some clients also receive other mental health services not listed in this report, and are from additional countries including China, Japan, Paraguay, and Argentina.



### Clients from Mexico



There are 32 states and one federal district in Mexico. TPAC/WHCI clients are from 14 states and the national district of Mexico City

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