

# Special Considerations for Screening Afghan Women and Girls fleeing GENDER-BASED VIOLENCE

February 2022

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## OVERVIEW

As with any vulnerable group or individual, survivors of gender-based violence (GBV) have unique histories and circumstances that may differ greatly from one another, even among their family members. GBV takes many forms and can include persecution by government officials, or physical or emotional abuse inflicted by members of one's family or community. A survivor may also face several different types of GBV and/or unrelated persecution simultaneously.

To identify the strongest possible claim for a family or individual, it is essential for each woman and girl to be treated as a potential principal applicant during screening. The strongest claim for a male adult or child might indeed be as a derivative of his wife/mother. The strongest claim for a woman might be as a principal applicant, with or without her husband as a derivative spouse.

If a woman you are screening confidentially discloses domestic violence and/or that she wants to leave her marriage, yet she and her family fled to the U.S. together as a unit, you can discretely provide her with safety planning information and referrals for family lawyers, shelters, and other social services. For some, however, remaining in a home where there is abuse is safer than trying to flee. This decision is very personal and involves a variety of factors such as emotional and physical health, volatility of the abuser, threats, the abuser's access to weapons, children's needs, availability of shelter or other support systems, both the abuser and victim's immigration status, economic considerations, and potential community response.

Social stigma, shame, and ostracization are hallmarks of all forms of GBV and can be particularly intense in the case of family violence. For this reason, special care should be taken to ensure that women and girls are interviewed in private, away from male family members, and that their intakes remain confidential. A survivor might disclose facts during an intake that she has never disclosed to anyone before. The act of disclosure itself might be re-traumatizing and could put her at risk of further violence. Whenever possible, individuals should be offered the choice of a female or male screener according to their comfort level. The screener should explain that they will only share information from the screening with other service providers if necessary and with the survivor's consent. Otherwise, the information will remain strictly confidential.

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## DEFINITIONS

GBV is harm inflicted on an individual because of their sex, gender, sex characteristics, sexual orientation, and/or gender identity expression. Examples are:

- **Domestic (intimate partner) violence and abuse of girls:**
  - may include physical abuse, attempted femicide, emotional manipulation, economic or social isolation, withholding of food, control over immigration documents, threats of violence to children, pets, or other family members, sexual violence, stalking, forced pregnancy, forced abortion or sterilization, forced prostitution/sexual slavery
- **Rape, sexual assault, and incest**
- **Forced marriage, child marriage, and forced polygamy:**
  - a marriage to which one or both parties did not or could not consent
  - not an arranged marriage, in which families may have played a role in choosing the marriage partner, but both individuals were free to choose whether and when to marry
- **"Honor" crimes:**
  - may include forcing a woman to marry her brother-in law upon the death of her husband; punishing an unwed woman, through forced marriage or other violence, because she is suspected of not being a virgin or because she has a child out of wedlock; punishing a woman suspected of having an extramarital relationship
- **Sex or labor trafficking:**
  - using force, fraud, or coercion to procure labor or commercial sex acts from the victim
- **Female Genital Mutilation/Cutting**
- **Punishment because of sexual orientation and/or gender identity expression**
- **Punishment by government agents or community or family members for engaging in religious or political activism, or other conduct that challenges gender norms:**
  - may include violence against female teachers or girls who attend school, violence against women who refuse to wear a veil or who go out in public without a male relative, punishment of women's rights activists, journalists, artists, or athletes

Survivors of GBV can be of any age and relationship to their perpetrator. Perpetrators can include government officials, religious leaders, teachers, family friends, parents, stepparents, uncles/aunts, grandparents, spouse, and adult or underage siblings.

## GBV SCREENING GUIDE

This guide is meant to supplement basic legal screening and presumes that all biographical information has already been recorded. As noted above, it is critical for screeners to interview from a trauma-informed perspective given the sensitivity of questions relating to GBV.

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### ASYLUM

\*Depending on the circumstances, domestic violence, forced marriage, and other types of GBV may form the basis of an asylum claim. But in all cases, an individual must fear persecution in Afghanistan. If the person you are screening fears GBV in the U.S., please see the referrals for services above, as well as the remaining sections below pertaining to other forms of relief aside from asylum.

#### Suggested Questions:

1. Did you go to school or work in Afghanistan, and if so, where? Were you or your family members ever politically active or work for the government at any time?
2. Are you afraid to return home because you have experienced, or fear experiencing, violence or other harm in Afghanistan? Forms of harm can include (reference forms of GBV outlined above).
3. Who has harmed you, or who are you afraid will harm you? What are you afraid they will do? It could be more than one person, and he/she could be a government agent or a private citizen including a family member.
4. Is the person/people you fear here in the US with you, or are they still in Afghanistan? If still in Afghanistan, are they seeking resettlement in the U.S.?
5. Why do you believe those you fear are specifically seeking to harm you?
6. Is there anywhere else in Afghanistan you could return to and live safely?
7. Do you need help with safety planning, or are you currently in a safe situation?

\*You can provide the referral information above if needed.

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## U VISA/T VISA/VAWA SELF-PETITION

\*Following arrival, if a woman or girl fears or endures forced or child marriage, domestic violence, or other crime such as rape or stalking in the U.S. (either on its own or as a component of child/forced marriage or domestic or child abuse), she may be eligible for a U visa for victims of crime, a T visa for victims of human trafficking, or a VAWA Self-petition if her husband has U.S. citizenship or lawful permanent residence.

\*\*If a woman or girl was forcibly married abroad prior to her arrival in the U.S., she may be eligible for a T visa for victims of human trafficking depending on the circumstances.

\*\*\*Legislative and administrative advocacy relating to the intersection of SIV and GBV is ongoing. If a woman or girl is a derivative petitioner on an abusive spouse or parent's principal SIV petition, and she 1) wishes to pursue status independently of her spouse or parent or 2) her spouse or parent has withdrawn or is threatening to withdraw her petition, [please contact the Tahirih Justice Center \(Irena Sullivan, irenas@tahirih.org\) for technical assistance.](mailto:irenas@tahirih.org)

### Suggested Questions:

1. Are you currently experiencing, or have you experienced harm in the U.S.?
2. What is the nature of the harm and who is inflicting it? Harm may include crimes such as rape and sexual assault, domestic abuse, and forced marriage.
3. If you are married, and your spouse or parent is harming you here in the U.S., what is his/their immigration status?
4. Were or are you a derivative SIV petitioner on your spouse or parent's petition? If so, do you need help petitioning on your own, without his/their involvement? Or did he/they withdraw, or threaten to withdraw your petition?
5. Do you need help with safety planning, or are you currently in a safe situation?

\*You can provide the referral information above if needed.

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## NATIONAL REFERRALS AND RESOURCES

### Gender-based asylum

- Tahirih Afghan Asylum Helpline:
  - 888-991-0852
  - <https://www.tahirih.org/news/supporting-afghan-refugees/>
- Human Rights First – Project Afghan Legal Assistance:
  - [https://docs.google.com/forms/d/1cHk1IEvsDk169FCG6HNEbpL0ZpbBUMXY1cVy16CBb3k/viewform?edit\\_requested=true](https://docs.google.com/forms/d/1cHk1IEvsDk169FCG6HNEbpL0ZpbBUMXY1cVy16CBb3k/viewform?edit_requested=true)
- Immigration Advocates Network: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

### Forced and Child Marriage

- Tahirih Justice Center Forced Marriage Initiative:
  - [www.preventforcedmarriage.org](http://www.preventforcedmarriage.org); 571-282-6187; [FMI@tahirih.org](mailto:FMI@tahirih.org)
  - Marriage Is Your Choice brochure in Pashtu and Dari

### Family Law/Legal Aid

- American Bar Association:
  - [https://www.americanbar.org/groups/legal\\_services/flh-home/flh-free-legal-help/](https://www.americanbar.org/groups/legal_services/flh-home/flh-free-legal-help/)

### Safety Planning/Shelters

- National Domestic Violence Hotline:
  - <https://www.thehotline.org/>; I-800-799-SAFE (7233); TTY 1-800-787-3224; Text "START" to 88788
- <https://www.loveisrespect.org/personal-safety/create-a-safety-plan/>
- <https://asistahelp.org/resource-library/general-resources/>

### VAWA Self Petition/U visa (victims of crime) /T visa (victims of human trafficking) / Other immigration

- Immigration Advocates Network:
  - <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

### Afghan Women's Organizations

- Women for Afghan Women:
  - <https://womenforafghanwomen.org/>