

IOLTA Grantee Spotlight: Enlace Comunitario — Giving a Voice to Immigrant Victims of Domestic Violence

by *Claudia Medina*

Marta, a Mexican native, came to Albuquerque, New Mexico four years ago. She didn't speak a word of English. Shortly after arriving, her husband became abusive, occasionally slapping her in the face. A year later, physical abuse became a daily part of her life. One night, her husband choked her while their three-year-old son Daniel watched and cried.

Marta's family and closest friends lived far away. She thought about calling the police, but then didn't, worried that they might find something wrong with her immigration situation. Besides, Marta feared her husband might come through on his threat to run away with Daniel if she talked to anyone. She too considered running away, but quickly

realized she had no money, no car and nowhere to go.

Last year, a nurse at the local health clinic referred Marta and her son to Enlace Comunitario (EC), an agency that has, since its inception in 2000, provided comprehensive services to Spanish speaking immigrants in Central New Mexico.

Thanks to EC's assistance,

(continued on page 11)

Grantee Spotlight

(continued from page 6)

Marta and Daniel obtained food and temporary housing at the local shelter. EC provided Marta legal representation on her restraining order, divorce, child support and custody cases and found a pro bono lawyer to assist with her immigration concerns. EC provided counseling services in Spanish for Marta and play therapy for Daniel.

Nine months after entering the program, EC helped Marta find a job and her own efficiency apartment where she lives safely with Daniel. She remains in poverty, but manages to provide a decent home for her son. Daniel now sleeps through the entire night without waking from a nightmare. Marta attends English classes on site at EC and talks positively about the future.

Legal Services to Immigrant Victims of Domestic Violence

Like Marta, women who access EC's services typically have many needs beyond the direct effects of violence, including housing, clothing, food, employment, childcare, and emergency

services. While EC has helped meet its clients' needs in most of these areas by collaborating with other organizations, the need for legal representation and advocacy has become more difficult to address. EC has long recognized that, in addition to emergency legal services to obtain restraining orders, domestic violence victims need legal assistance with divorces, child custody cases and immigration issues. EC's immigrant clients need these services in their own language and at little or no cost. In 2005, with funds from Interest on Lawyers' Trust Accounts (IOLTA) and other resources, EC added a legal services component to its spectrum of counseling and support services for victims and their children to meet this need.

Since then, the EC Legal Services Project has formalized its relationships with several providers of legal services, recruited and trained pro-bono attorneys, recruited students from the University of New Mexico Law Clinic for legal clerical support, and enhanced its existing relationships with private immigration attorneys. In addition to the development of a

highly functional infrastructure, EC's legal project has been successful in providing an array of quality services to the immigrant community. Direct legal representation has been provided to more than 500 domestic violence victims in cases that included custodial issues, restraining orders, divorce and international child abduction. Hundreds of domestic violence victims have received legal advice and thousands of others have received a variety of referral services and education about the legal system through EC's Legal Services Project.

A recent study has demonstrated that access to legal services is the only public service that reduces domestic abuse.¹ Leslie Orloff, Vice President and Director of the Immigrant Women Program at Legal Momentum: Advancing Women's Rights states, "isolated by violence, fear and misinformation on laws in this country, access to legal services and justice system remedies is vital to immigrant victims' ability to achieve safety and well-being in this country. Further, immigrant victims' ability to

(continued on page 12)

Grantee Spotlight

(continued from page 11)

effectively participate in criminal prosecutions is significantly undermined, without legal assistance and support.”²

Domestic violence affects women from all nationalities and social classes. However, women from immigrant communities appear to be at greater risk and are less likely to access needed services. Moreover, women from other countries face a complex and unique set of obstacles. These include cultural and language barriers, increased threats of becoming separated from their children through deportation or international child abduction, lack of legal permission to work, and limited or no access to many public benefits. Immigrant victims of domestic violence frequently encounter a lack of understanding from service providers and the community about their specific needs and circumstances. They may also be frustrated by their own lack of understanding of how the U.S. justice system works.

The Growing Need

Like Marta, nearly all of EC’s

domestic violence clients and a high proportion of the Latino immigrant community in central New Mexico have incomes below the federal poverty level. A recent analysis of EC’s caseload revealed that 90% of EC’s clients who have experienced domestic violence live in deep poverty, earning less than 50% of the national poverty threshold. The remaining 10% are best described as working poor. Most clients are single mothers struggling to access basic necessities.

EC currently works with over 800 women and their children who find themselves in a desperate trap like Marta’s, and knows this is just the tip of the iceberg. EC adds approximately 20 new women and their children to its caseload each month, many through referrals from a variety of agencies, former clients and other members of the local community. The growing immigrant community in Albuquerque is increasingly comprised of women and children seeking refuge from the tremendous poverty and violence in their native countries.

Despite its early success at addressing the demand for legal services in the community it is evident that a high demand for services remains unmet and

additional resources are urgently needed. The current legal staff at EC, which consists of one supervisory attorney, one full-time and one part-time staff attorney, and one paralegal, cannot keep up with the demand for services.

Holistic Services and Leadership Development

To effectively overcome the barriers immigrant victims face, legal assistance needs to be combined with culturally and linguistically appropriate comprehensive services. EC provides free legal representation on civil cases, assistance with the completion of legal forms (including those required to obtain restraining orders), and advocacy in court. EC also provides counseling for both the victim and her child, connects victims with other services to meet basic needs, and offers educational opportunities such as parenting and life skills classes.

The legal staff works closely with EC’s other professional staff members including licensed psychologists, social workers, caseworkers, community organizers and administrators. All members of EC’s staff and board are bilingual and most

(continued on page 23)

SAVE THE DATE - 2009 IOLTA Workshops

July 30-31, 2009 • Swissotel • Chicago, Illinois

For more information please visit: <http://www.abalegalservices.org/iolta>



Grantee Spotlight

(continued from page 12)

of them are Latino; both of these factors help to foster a culturally sensitive and familiar environment for EC's clients. EC considers linguistic and cultural competency issues in every aspect of its work including staffing, advocacy, community education, community organizing and the provision of services.

EC's innovation goes well beyond these essential services. The organization engages its clients in a process of leadership development. Former victims are trained to become community educators and organizers in an effort to advance their rights as victims of domestic violence and as immigrants. Although EC's

primary focus is on assistance to immigrant victims of domestic violence, it recognizes that Albuquerque's immigrant community has several pressing concerns stemming from isolation, poverty and neglect. EC's mission is to give a voice not only to women like Marta but also to Albuquerque's immigrant community at large.³

***Claudia Medina** is a co-founder and the executive director of Enlace Comunitario (EC) in Albuquerque. She is also a co-founder of El CENTRO de Igualdad y Derechos, an organization working to advance immigrant rights in New Mexico.*

Endnotes

¹ See Amy Farmer and Jill Tiefenthaler, "Explaining the Recent Decline in Domestic Violence", *Contemporary*

Economic Policy, Vol. 21, No. 2, April 2003.

² See www.legalmomentum.org. Legal Momentum: Advancing Women's Rights is the nation's oldest legal advocacy organization dedicated to advancing the rights of women and girls; it was originally founded as NOW Legal Defense and Education Fund in 1970.

³ In recognition of its innovative and comprehensive work EC was honored recently with the University of New Mexico's Mexican American Law Student Association's Fighting for Justice Award; the Samaritan Counseling Center's New Mexico Ethics in Business Award and the New Mexico Peace and Justice Center's Peace and Justice Award. In addition, EC's lead attorney, Elizabeth Rourke, was honored last year by the New Mexico Hispanic Bar Association with the Liberty and Justice Award.