

INCITE! Women of Color Against Violence

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Confronting Citizenship in Sexual Assault

April 27, 2010

tags: [immigration justice](#), [law enforcement violence](#), [sexual violence](#), [testimonios](#)

by inciteblog

Update 5/12/10: Spanish translation of this post can be found here:

<http://inciteblog.wordpress.com/2010/05/12/confrontando-la-ciudadania-en-el-asalto-sexual/>

*This is the INCITE! blog's first (hopefully, of many) post from a guest writer. **The post is written by brownfemipower (bfp) who has been brilliantly writing about violence against women of color, among other topics, for years. She currently blogs at [Flip Flopping Joy](#).***

We encourage your comments, reflections, and questions. Also, please support [bfp's fundraiser to get a reliable computer](#) which will help her continue to write.

Trigger Warning

What does it mean to be a citizen? What does it mean to *you* to be a citizen of whatever country you were born in?

As a citizen of the US, the Constitution states my rights. I have the right to vote, to have a gun, etc. But I also have the right to a driver's license, and thus a job. I have the right to a social security number, and again, thus a job. I have the right to welfare, to disability and unemployment.

And even more pointedly, I have the right to drive, to rent a house, to call the police.

I'm sure we can all think of more rights—but the point here is not so much to gather a list of

every privilege citizenship grants us, but rather to expose or shine a spotlight on a rarely talked about identity: citizenship.

I read [this story about a young woman who was more than likely raped at a university party with no small level of disgust](#). Although there was a lot of evidence that indicated that a rape probably happened, no rape kit was performed for her and she didn't even get a proper exam to deal with the obvious signs of poisoning (whether by alcohol or date rape drugs is beside the point) or the sore rectum and leg she spoke of. The article rightly notes about the case: "You're not a rape victim unless the police say you are."

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Let's take a minute to sit with the ramifications of this sentence. It means something huge for all rape survivors—but it means something very specific in terms of citizenship. If it takes the nation/state to confirm a rape happened—what does it mean when states [require local police to check the immigration status of anybody who "reasonably" looks "illegal"](#)?

In a racist, heteropatriarchal society, who "looks" illegal? What bodies are "illegal" just by existing? And what happens when one of those "illegal" bodies are violated?

Citizenship brings many protections with it—we do not have to worry about "looking illegal" for the most part because we have the protection of our drivers licenses. But at the same time, with a little examination, it's easy to see how the 'borders' of citizenship are impermeable and flexible. And how the lack of solidity brings with it disastrous consequences for immigrants and citizens alike.

The questions are endless:

How many survivors of sexual violence don't report their abuser to the police or go to the hospital—not because they dealing with survivor shame, guilt, and fear—but because the nation/state has made it illegal for even health care providers [to help people without checking their status](#)? How many survivors are not getting help because they know that to go to the government means not only deportation—but being [refused treatment](#) (only citizens get that) and/or being [violated again](#)? How many survivors are not reporting violence because they know to do so means not only [their imprisonment and deportation](#)—but the [imprisonment and deportation of their loved ones](#)?

Sexual violence is under reported in communities where citizenship is a solid birth right for the majority of the community. What is it in communities where the pressure to be silent is not only enormous, but a necessary condition for survival?

There are so many questions, but so few answers. Everybody knows things are bad, everybody knows that it's only going to get worse—and everybody also knows that talking to researchers or activists or even to your neighbor can reign sweeping ICE raids down on your community. So although [there are statistics](#) and research on violence within various immigrant communities, in many ways that research is flawed from the start. How many [people are really going to talk](#)? And what recommendations can the researchers possibly suggest that would ever be implemented—when sexual violence isn't really sexual violence for *citizens*—unless the police say it is?

None of these questions even begins to address the issue of whether or not culturally specific help (such as: Is there someone who speaks the language of the survivor with her? Is there

someone who understands the cultural implications of her speaking out? Are there materials given to her in her own language?) is available to the survivor. And they only just barely attempts to explore what sexual violence is to begin with. Is it a woman [losing custody of her baby because she was swept up in a work place raid](#)? Is it a [trans woman being housed in male or segregated detention centers](#)? Is it being [forced to give birth while shackled](#)?

What do immigrant women do when the ‘perp’ is the same entity that is supposed to decide if what they experienced was violence?

I know I’ve painted a very grim picture for immigrant sexual assault survivors in the US.* But there is some hope. Lots of it, in fact. Legal organizations like the ACLU and Human Right’s Watch have been immensely important helping sexual assault survivors attain some sort of relief. And survivors themselves are also organizing. For example, as Cara noted [here](#), domestic workers have been particularly successful in organizing for improved (i.e. an end to sexual violence) work place conditions.

The one organizing tactic I really wanted to point out though, was the one of survivors giving “testimonios.” [Testimonios are ‘testimonies’ that survivors of all sorts of trauma give as a way to politicize, document, and testify their experiences](#). They may not get their day in court, but they do get to speak. Although testimonios have been specifically utilized as a concept by Latin@s, it is something I think all cultures understand and even do. A documentary is often little more than a way to document a testimonio.

For an immigrant woman, a testimonio is often the only justice she’ll ever see. She generally gives her testimonio when a trusted organization in the community collects video data of people after a community wide trauma like workplace raids. The woman can control what she says, how she says it, as well as how she is represented within the video. I’ve seen testimonios where women are never visible on screen, where a part of their face is blacked out, and where nothing is hidden at all.

In mainstream media, and even in activist media, often times the stories of survivors are presented in very exploitative ways—for example, nobody tells the woman that the intimate details that she speaks of will be available permanently on the internet. Testimonios are different in that they are driven by the needs of the survivor and are made within the context of a movement. In other words, there is no single shot of a woman crying about how much her husband beats her and that is that.

The woman tells her story in her own way in an attempt to answer the question, “What could be done?” She testifies. Explains why things happened. What she thought should’ve happened. What she’d like to see happen.

What it means to her to be one of the people in this world that no police will ever agree has been raped.

You have to look for testimonios. They aren’t like government or university research, that gets picked up by the media. They are generally collected by [pro-immigrant activist organizations](#) or indy media/media justice activists. But it’s important to look for them—and essential that they are viewed and passed around. They show how terribly inadequate the ‘solution’ to immigration proposed by mainstream pro-immigration organizations (legalization) is for dealing with things like sexual violence. They demand space be opened up for those immigrants that [don’t fit the “good immigrant” narrative](#) so many mainstream (especially) Latin@ organizations have latched onto.

But most importantly, testimonios give voice to those who have been abused in some of the most horrific ways possible and they force us to be accountable to those voices. They tell other survivors that their words are important, they are important, and we are so happy, so thankful that they survived.

There are no easy answers for survivors of sexual assault in the immigrant community—and there are no easy ways to help. Yes, you can “click here to support,” and that surely does help—but the “fixing” kind of help, the “ending sexual violence” kind of help, is not that easy. It will require taking a good long hard look at what many feminists are deeply invested in: a nation/state response to sexual violence. Or, waiting for the police to finally decide, was it rape?

It’s time for those of us with citizenship privileges to ask ourselves important questions about our own politics. What would it mean for citizen and non-citizen alike, if the police no longer had the power to decide who is a survivor?

The following are examples of testimonios. I don’t have transcripts, but most of the first one has captions for translation, and the second one is completely translated.



VIDEO: several testimonios given after a work place raid in New Bedford Massachusetts.



VIDEO: a single testimonio given after the same work place raid.

*(it should be noted that there are [similar conditions](#) for immigrant sexual assault survivors in other countries as well for example: In Canada, the Canadian Border Services Agency [attempted to arrest an immigrant woman at a domestic violence shelter.](#))



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1. April 28, 2010
Audrey [permalink](#)

I know this is a problem in communities of undocumented immigrants – crimes are perpetrated because the perpetrators KNOW they can get away with it. I would like to see greater knowledge about the U visa. If a person is a victim of certain crimes committed in the United States, including rape, sexual assault, and domestic violence, they can work with an attorney to apply for a U visa. They must be willing to cooperate with law enforcement during the investigation. During this process, the victim can apply for a 4 year U visa, which allows them to stay legally, work legally, and begin the process of applying for a green card.

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