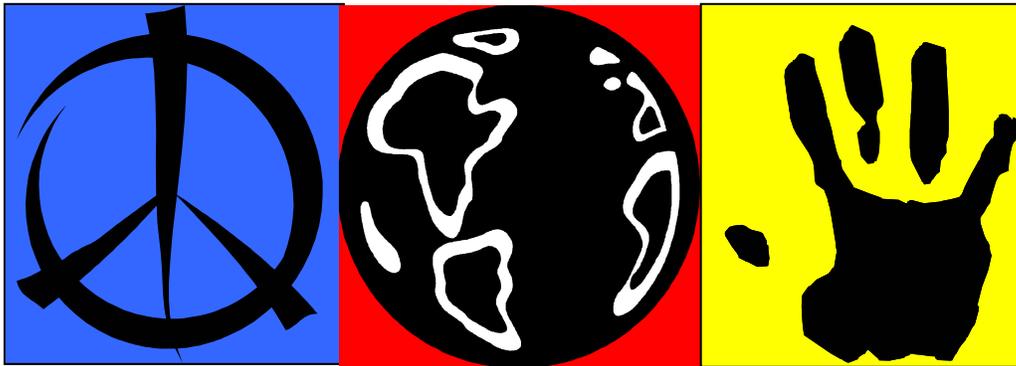


**A LIFE FREE FROM VIOLENCE IS EVERYONE'S RIGHT.**



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**Battered Immigrant Women Project**  
*Experiences of Immigrant Women Who Self-petition under the  
Violence Against Women Act*

**May 2008**

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## Executive Summary

**Background:** Domestic and sexual violence is a major threat to the health and safety of women in the U.S., regardless of ethnicity, economic status, or country of origin. For women without legal immigration status in the U.S these obstacles are exacerbated by the fact that they may be isolated in a foreign country, in constant fear of deportation, and feel at the mercy of their spouse to gain legal status.

**Purpose:** This participatory action project documents the experiences of women who have filed VAWA self-petitions in two communities on the U.S.-Mexico border. The project investigated personal and systemic barriers to the VAWA process through twenty-one interviews with Mexican immigrant women living in two border counties. It is hoped that the results of this project will contribute to the efforts of service providers and policy makers in considering how to assure the safety of this vulnerable population.

### **Results:**

#### In the VAWA Process:

- ❖ Women often find out about VAWA through an informal network of family and friends. Community presentations by trusted community agencies are also a source of information.
- ❖ Women decide to apply for VAWA to escape abuse and gain independence from their spouse, to be able to work and support children, and to create security and stability for their children.
- ❖ Victim advocates, legal services, and school services have all helped women in the VAWA process by providing information, counseling, legal advice, assistance with paperwork, financial assistance, and help with problem solving. Collaboration between legal services and victims advocates facilitated their ability to respond to client needs.
- ❖ Qualities of providers that helped participants through the VAWA process include their professional experience and expertise as well as personal characteristics such as being humane, respectful, empowering, caring, and trustworthy.
- ❖ Major barriers in the VAWA process include having to give written testimony about the abuse resulting in “reliving the experience”, having to recount the abuse to people they do not know or who are not sympathetic, emotional trauma because of the abuse, confusion about the process and what will happen when, the amount of paperwork required to document eligibility, and aspects of immigration law that does not allow them to include their children in the self petition or let them travel to see their family.
- ❖ During the application process, women’s anxiety was increased because of ongoing trauma and fear of abuser or fear that the abuser would find out, concern about the future of their children or being separated from them, waiting times related to stages of the application process and fear that they would not be approved, and basic survival issues such as waiting for the work permit, finding a job, or qualifying for services.

#### The Future

- ❖ VAWA was a transformational experience for women who had been in an abusive relationship.
- ❖ Women regained a sense of personal freedom.

- ❖ Women hoped to be able to provide for themselves and their children and be better mothers
- ❖ Women hoped to be able to fulfill their career dreams, return to school, help others, and give something back to the community.
- ❖ Women hoped to be able to provide more opportunities for their children.

## **Recommendations**

- ❖ For Providers
  - ◆ Ensure that victims understand VAWA and related issues; providers may find that they need to repeat information many times due to the emotional state of clients.
  - ◆ Provide emotional and tangible support beyond the VAWA application process. Interviewees benefited greatly from assistance in problem solving around issues related to family, finances, health, employment, and education.
  - ◆ Rely upon the informal networks of immigrant women to create public awareness of domestic and sexual violence and opportunities afforded under VAWA. Community talks and presentations at schools and Head Starts were frequently cited as sources of information.
  - ◆ Ensure that all staff is trained generally on VAWA and immigration rights, as well as how to respond to clients in a culturally competent therapeutic manner.
- ❖ For Research:
  - ◆ Future research should focus on the understanding the impact of racism on intimate partner violence and on the ability of immigrant women to access and utilize resources and services designed to help them end the violence.
  - ◆ Additional research in understanding the impact of family could be beneficial in helping agencies build awareness in the community at large so that families do not become an instrument of oppression for women in violent relationships.
- ❖ For Policy:
  - ◆ Establish mandatory VAWA training for local law enforcement agencies and the border patrol. Create official protocol for the identification and treatment of potential victims.
  - ◆ Reduce the financial burden on VAWA applicants by creating a 90 day time frame for adjudication of VAWA petitions and approval of work permits. A temporary work permit could be provided in those cases that cannot be adjudicated within 90 days.

## **Background**

Domestic and sexual violence is a major threat to the health and safety of women in the U.S., regardless of ethnicity, economic status, or country of origin. Women are at greater risk of assault, including rape and homicide, by a husband, ex-husband, boyfriend, or ex-boyfriend than they are by an acquaintance or stranger. Male partner violence is the largest single cause of injury to women requiring emergency medical treatment, and is responsible for 30% of deaths to women by homicide (Samuels & Thacker, 2000). Since the 1970s, those working in the domestic and sexual violence field have made major strides in increasing women's safety by advocating for legal protections, expanding emergency social benefits and services, and raising community awareness. However, the economic, physical, and emotional obstacles for women attempting to leave abusive relationships continue to be daunting. For women without legal status in the U.S. these obstacles are exacerbated by insecurity regarding their status in the country. Immigrant women may be isolated in a foreign country, in constant fear of deportation, and feel at the mercy of their U.S. citizen or resident spouse to gain legal status. As a result, immigrant women are at greater risk of partner violence than the general population (Family Violence Prevention Fund, 2007). This report seeks to draw attention to the experiences of Latina battered immigrant women living in the U.S. Mexico border region, and to document opportunities and barriers created by immigration law and the legal system.

### Factors associated with the abuse of immigrant women

It is only in the past ten years that research has sought to determine the prevalence of partner violence among immigrant women or to understand how legal status increases risk of victimization. The majority of existing studies focus on elucidating factors that stem from the intersection between cultural characteristics of the country of origin and uncertainty related to immigration status. Cultural factors might include prioritization of family and community over the individual or the emphasis on the role of the woman in maintaining family unity. Other factors include acceptance of spousal violence, traditional and evolving gender roles, and lack of legal protection for victims in the country of origin (Raj & Silverman, 2002).

Factors related to immigration status have been described as both personal and systemic. On a personal level, immigrant women experience extreme social isolation both from family members who remain in the home country, as well as from mainstream American culture (Salcido & Adelman 2004; Katururangan, 2004; Bhuyan 2005; Erez 2003). Financial insecurity is a serious threat due to limited language and work skills that render economic survival an overwhelming impediment to independence (Katururangan, 2004; Salcido & Adelman 2004; Erez 2003). Perhaps most damaging is the manner in which abusers exploit the legal vulnerability of victims by destroying their spouse's legal paperwork, threatening to withdraw their petitions for legal permanent status or worse, threatening to call Immigration Customs and Enforcement or Border patrol and have them deported (Salcido & Adelman, 2004; Orloff & Kaguyutan, 2002). In fact, 72% of citizen or legal permanent resident spouses in abusive relationships do not file immigration papers for their wives (Dutton et al. 2000). The prospect of deportation severely disempowers immigrant women, whose greatest fear is often that of losing children (Wood, 2004; Erez 2003). Fear for their children's welfare creates a greater obstacle to immigrant women seeking help than resident status, language or money (Katururangan. 2004).

On a systemic level, there is evidence that the current service delivery system is inadequate in its response to the needs of immigrant women. Many organizations providing domestic and sexual violence services have no outreach to the immigrant community, provide services that are inaccessible or not culturally relevant, or in many cases require proof of citizenship or English language as a prerequisite of services (Raj & Silverman, 2002; Liang 2005). One study found that a majority of immigrant women seeking domestic violence services had a negative experience due to fear, denial of service or detrimental outcomes (Salcido & Adelman 2004). Furthermore, immigrant women may not access services because they are unaware of their right to legal protection from abuse or that they are eligible for housing and other benefits (Erez 2003). For these reasons, immigrant women are at greater risk for victimization when compared to their American counterparts (Raj & Silverman, 2002).

In surveys conducted in 2003 and 2006 in Southern Arizona with immigrant women's service providers, including victim services, law enforcement, courts and legal services, health, behavioral health and education, the primary barrier identified to women accessing services was fear. Other prominent barriers included language, awareness of services, trust in the system, and cost of services. One in five (20%) providers required a social security number for accessing services, 18% required proof of residence in the state, 14% proof of US residency, and 8% required proof of citizenship. Services in Spanish were provided "all of the time" by only 78% of providers. Services to undocumented immigrants were reportedly available from 69% of respondents, while 11% provided services "sometimes" and 9% not at all. More than half (53%) of respondents expressed interest in receiving targeted training on VAWA and 43% desired training in immigrants' rights.

#### Battered Immigrant Women and Immigration Law

It was only recently, with the passage of the Violence Against Women Act in 1994 (VAWA, 1994), that lawmakers recognized that immigration law effectively trapped women in violent relationships (Shetty, et al, 2002). Under VAWA, a battered immigrant woman was given the opportunity to self petition for legal permanent status provided that she had entered her marriage in good faith, was of good moral character, and had evidence that deportation would result in hardship for herself or her family members. VAWA 2000 attempted to amend weaknesses in the law that placed undue burden on the victim to demonstrate extreme hardship or good moral character when crimes were committed in connection with abuse. VAWA 2000 also extended the right for women to self petition for up to two years after being divorced or widowed, or if their spouse had lost their legal permanent residence status due to battering (Wood, 2004).

VAWA represents significant progress in opening a safe route to legal, permanent status for some battered immigrant women and removing obstacles created by immigration law that confined women in potentially life threatening situations. However, very little research has been focused on the implementation of the law, and there are several aspects of VAWA that merit investigation. To evaluate the effectiveness of VAWA in removing immigrant status as a barrier to women escaping violent marriages it is necessary to determine the extent to which those eligible for VAWA are aware of their rights. Specifically, how are women informed about VAWA? What motivates them to initiate an uncertain course of action and thus expose themselves to the legal system of which they have been living in fear? What are the benefits and challenges in encounters with a service delivery system impaired by lack of cultural sensitivity

and ignorance of immigration law? Additionally, how do the specific requirements of the law facilitate or hinder women's persistence through a complex and sometimes drawn out process? And, for those women who successfully negotiate VAWA, to what extent are they able to exercise their right to self determination in the face of poverty, discrimination and ongoing abuse?

Immigrant women's service providers recognize these challenges to some extent, as well as their own limitations in understanding immigrant rights as the legislation pertaining to immigrants and homeland security rapidly evolve. In the 2003/2006 survey, they identified the highest priority for women to be safety, followed by legal services, accessing services without fear of deportation, and the need for community support. Providers also identified limitations in availability of services, particularly legal services, housing, counseling, education opportunities and job services.

### Help seeking behaviors among Battered Immigrant Women

Despite protections afforded by current immigration law, details of the process of VAWA self petition may function as an extension of abuse in which the legal vulnerability of immigrant women is further exploited by the system (Salcido & Adelman, 2004). To understand this issue, it is useful to explore the context in which battered immigrant women consider seeking help (Katururangan, 2004). Undocumented status is a disempowering reality which prevents a woman from envisioning alternative courses of action, a necessary precursor to ending the violence (Liang, 2005). A woman may not seek help due to perceived risks to their continued presence in the U.S., both real and unreal (Wood, 2004). The fear cannot be dismissed as unfounded, as it is very likely that she has heard stories of women being deported (Liang, 2005). In this environment, the potential consequences of handing over control to the police or other formal services may seem especially costly to an immigrant woman (Liang, 2005). Furthermore, few immigrant women are knowledgeable about VAWA, and thus believe that calling the police will lead to their own arrest and deportation (Erez, 2003). A woman may believe that engaging the justice system in any way may bring into question her good moral character (Salcido & Adelman 2004), thus endangering her chances for legalization through her spouse. She may equally be concerned that calling law enforcement will result in her spouse being deported, again endangering her legal status. The effect of anti immigrant sentiment on the part of both lawmakers and service providers also cannot be ignored. Service providers often operate under the assumption that battered immigrant women choose to break the law by entering and staying in the U.S. illegally (Wood, 2004).

### U.S.-Mexico Border

The project described in this report took place in two counties that lie adjacent to the U.S.-Mexico Border between the states of Arizona and Sonora, Mexico. In this highly militarized environment it is imperative to scrutinize the VAWA process in what might be described as a "worst-case scenario". Within a 100-mile radius of the border, the U.S. Border Patrol (USBP) has increased jurisdiction to stop and inspect vehicles and to question individuals regarding their legal status, making constant fear of detainment and even deportation a constant reality. Over the past few years, scholars, human rights groups, and journalists have found that the combined impact of USBP enforcement practices, restrictive legislation, and increasing political hostility toward Hispanics has been to create a profound climate of fear within the Hispanic community

(Rubio-Goldsmith, 2002; Romero & Marweh, 2005; US Commission on Civil Rights, 2002). On an official level and within the immigrant community there is a proliferation of reports of abusive and unconstitutional practices on the part of immigration officials including verbal, physical, and legal mistreatment of both legal and undocumented Hispanics. Fear and mistrust of the legal system have been heightened by recent Arizona legislation restricting immigrant access to social services. These new laws are aimed at denying undocumented immigrants public housing, public health care, a college education, publicly funded child care, and utility assistance, among other restrictions. The “chilling effect” has caused many immigrants to fear applying for services or think they were ineligible for ones they actually were eligible for and created confusion and climate of distrust among some service providers regarding provision of services.

Within this climate of fear, there are concerns directly related to the implementation of protocol and policies related to VAWA self petitions. First, the proximity of the border means that there are many more USBP agents than in other parts of the country. As of 2007, there were approximately 11,000 agents patrolling the southwest border, a number scheduled to increase by 43% by the end of 2008. This fact, combined with increased USBP jurisdiction, make it much more likely that a woman will be detained by a USBP agent. Second, many victims have family members close by in a Mexico Border city and may have a history crossing back and forth illegally. Preventing women from accessing this source of family support might also be considered an extension of abuse by the legal system (Erez 2003). Third, while the USBP can serve in the interest of women’s safety, it is also an easy weapon for an abuser. Having been reported to the USBP by an abusive spouse, women who are uninformed of their right to request a hearing may be deported regardless of their eligibility for or status in the VAWA self petition process. Additionally, immigration communities develop closely knit networks, and it is likely that women has heard “horror stories” of other women being separated from their children or being deported, thus making fear a major barrier to seeking help.

The purpose of this participatory action project was to document the experiences of women who have filed VAWA self-petitions in two communities on the U.S.-Mexico border. Through a series of in-depth interviews with Mexican immigrant women it was possible to further investigate personal and systemic barriers to the VAWA process, with particular attention to the effects of immigration law. It is hoped that the results of this project will contribute to the efforts of service providers and policy makers in considering how to assure the safety of this vulnerable population.

## **Methodology: Participatory Action Project**

This project employed a qualitative inquiry within a participatory action framework in which community members were the driving force in all aspects of the research process including creating research questions, developing research methodology, collecting and analyzing data, and utilizing results for social change and social justice. The project is part of a collaborative effort entitled the Southern Arizona Battered Immigrant Women Project (BIWP), funded through a National Institute of Justice Rural Domestic Violence Grant to the Arizona Governor's Office Division for Women. Initiated in 2002, BIWP provided support in the development of six task forces in seven border counties designed to increase the capacity of local providers to identify and meet the needs of the battered immigrant population. Each task force is coordinated by a local victim service agency. Task force membership varies by community, but is generally representative of victim services, social services, health education, justice, and law enforcement. An academic partner, the Mel and Enid Zuckerman College of Public Health (MEZCOPH) provided technical assistance in local needs assessment and task force development.

After three years of conducting trainings with victim service agencies, schools, law enforcement and the judiciary, members of the Pima County Task Force, coordinated by the Southern Arizona Center Against Sexual Assault (SACASA), identified the need to learn directly from women about their experiences of VAWA and what role local agencies played in either facilitating or hindering their progress. Specifically, task force members wanted to know how women found out about VAWA, what motivated them to initiate the process, what factors facilitated their being able to negotiate the system, and what barriers they encountered in undergoing the process. SACASA and Southeast Arizona Behavioral Health Services (SEAHEC) in Santa Cruz County were responsible for recruiting women to participate in focus groups and interviews. MEZCOPH researchers were responsible for conducting and transcribing the interviews. Participant consent was obtained using protocol approved by the university human subjects internal review board and confidentiality of all participants was protected.

Focus groups were initially proposed as a research method that would encourage discussion of the VAWA process in a group setting. Four women from Pima County participated in the first focus group. However, the conversation focused in large part around the women's experience of abuse and out of concern that the group approach not re-traumatize women, the researchers moved to an interview format, in which the interviewer could focus the conversation on the VAWA experience. Victim advocates were available after each interview to provide the women with emotional support as necessary. An additional nine women from Pima County and eight women from Santa Cruz County participated in the interviews, which varied between 45 and 90 minutes in length. A total of 21 women from the two counties participated in the data collection process. Due to concern that taped recordings might increase fears related to confidentiality, the interviewers recorded the information by hand.

## **Analysis and Interpretation**

The initial thrust of the project was to provide local task forces with information to improve the service delivery system to battered immigrant women. An initial review of the data revealed that in order to interpret the participants' words within the complex circumstances surrounding VAWA petitions, it would be important to involve members of the task forces in interpreting the data and providing some context for the women's experiences. Direct involvement in data analysis and interpretation would also hopefully facilitate the translation of the research into organizational practice and policy development. Three members from the Pima County Task Force joined the analysis team including representatives from Southern Arizona Legal Aid. Due to staff changes in Santa Cruz County and issues of travel distance, no one from the Santa Cruz Task Force was involved in data analysis. In order to conceal the women's identity, the responses were compiled by question and the order was rearranged within each question.

Data analysis for each question included three distinct steps. First, each member of the research team reviewed the questions individually and identified emergent themes. Second, the themes were discussed and further defined as a group and, where appropriate, consolidated into overall themes. Part of this process was to identify contextual issues emerging from the data that informed women's experiences. Third, the team read through all the responses and coded the data by the themes identified for that question. In some cases, the team combined two or three questions when it was clear that responses fell into similar categories. As a final process, MEZCOPH researchers reviewed all of the data one more time in order to identify statements within one question that might fit into the theme under a different question. These were also coded appropriately.

## **Results**

The interviews were conducted in order to identify factors that would increase the likelihood that any woman eligible for VAWA would have access to the information and resources needed to avail herself of that right. For this reason, results are divided into five sections:

- 1) how women find out about VAWA;
- 2) motivation for applying for VAWA self petition;
- 3) barriers to the process;
- 4) facilitators to the process; and
- 5) how the process might be improved.

In addition, in order to better understand the circumstances of VAWA applicants as victims of violence rather than immigrants attempting to gain legal status, women were asked to reflect upon how they hope to see their lives in a year. All quotes were translated into English from their original Spanish.

## **Section 1. How immigrant victims of partner violence find out about VAWA**

Because women are concerned about their immigration status and unlikely to go directly to service agencies for help, women's knowledge of VAWA tends to come from the network of family or friends who refer them to services that they know will not ask them about immigration status. These agencies that are identified as "safe" are thus crucial to them actually accessing services. One woman described this experience this way,

*I found out about this program from a friend of my sister; she also married and got divorced. I wanted to ask for help so that he wouldn't be able to talk away my daughter. He threatened me that because he is a citizen and working and I'm not, he could take my child. I came to the (local shelter) and they gave me the telephone to talk to the VAWA office (legal aid).*

Referrals often came not directly from family but from friends of family or neighbors. In one example a woman was referred to Catholic Community Services by a neighbor, which referred her to Legal Aid. In several cases women who went for counseling to deal with spousal violence were referred for VAWA services. In other cases, women were not directly seeking assistance for domestic violence when they learned about VAWA. Women also learned about VAWA through services to their children, such as local schools or Head Start programs.

*I took my daughter to Head Start. They gave talks to all the mothers. I didn't know that all these programs existed.*

It was notable that very few women went to Legal Aid about VAWA. Most often they came for divorce or other services without knowing that they might be eligible for self petition.

*I went to ask for a divorce and when they asked my why, I said, there's a lot of domestic violence. I had a lot of proof, medical records, an order of protection. The process was really fast.*

In two cases, health agencies placed a crucial role in raising women's awareness.

*Well, when I told my boss what was happening to me she told me to go to (a community clinic). The woman there told me that I was experiencing domestic violence. I didn't know it. She sent me to Legal Aid and told me to talk to a paralegal. She told me I needed to leave the house.*

A second theme relevant to how women access information about VAWA was that it often came in pieces from different sources that accumulated over a period of time.

*A sister... some friends told me, well from many places, but it was my sister who told me to go. She also changed her status through VAWA. It was many years ago that I went to a parent meeting at the Elementary school and heard about VAWA. This school helps families a lot, and me, when I didn't have food, when he threw me out of the house. They helped families.*

## **Section 2. Motivation to apply for VAWA**

Although self petition may appear to be a straightforward alternative, there is a high level of insecurity related to the process. Many women never find out about the option and others do not initiate the process. Among the interviewees, some were thinking seriously about returning to Mexico before finding out about VAWA. They were exhausted from the stress of both domestic violence and immigration status compounded by the financial reality of having no car, no money and no chance to work. A common theme was spousal use of immigration as a form of control, including accusing women of using their marriage to gain legal status. One woman explained that to defend herself, “*I even tore up the papers.*” To interviewees, VAWA represented the only avenue for independence. Many respondents described the VAWA process as transformative, “*after all we have suffered.*”

In focusing on key motivations to apply for VAWA, women’s responses fell into four themes. The first was as a means to gain independence and escape the violence that in some cases extended to the children. While divorce may have also been an option, one woman pointed out that with VAWA she could also process her children without him knowing.

*I didn’t want to depend on (spouse), I was desperate. He had submitted the papers and when we separated he told me that we would never be immigrated by him. He never knew about VAWA helping the kids. He wanted to get back together, I was really afraid. I told (legal aid) I wanted a divorce.*

Divorce was not always the woman’s choice. One respondent noted that the power balance between she and her husband changed once she could work and visit family in Mexico.

*They explained to me that this would help me become independent from him, and get a work permit. I was in therapy for a year and I’m not the same. My husband had therapy too; he changed a lot as well.*

A second, related motivation for applying for VAWA was to legalize their status so that they could survive without their spouses.

*I was alone, without a husband, without work, without economic resources, and I couldn’t do anything without papers. The advocate told me that there was something I could do.*

A third emerging theme was the motivation provided by the system, especially for those women who had been aware of VAWA for a period of time, but had not applied. In one case, a police officer sent a victim to legal aid where she found out about VAWA. In other cases, victim advocates supported women through the application process, ensuring them that life would be different if she had legal status. Finally, women cited their children’s future as a central motivation; wanting to be able to provide security and stability for them, as well as ensure that they not be deported.

### **Section 3. Barriers to completing the VAWA process**

Barriers to the VAWA process were both emotional and concrete. Responses fell into three categories: a) aspects of the VAWA application; b) worries related to the process, and c) experiences with the system. Awareness by service providers of all these worries can help ensure that their interactions with victims are appropriate, kind and culturally sensitive.

a) Aspects of the VAWA application fell into six areas:

- 1) Personal testimony
- 2) Insecurity of the process
- 3) Confusing process
- 4) Eligibility/evidence required
- 5) Economic cost
- 6) Aspects of the law

1) Personal testimony. Nearly every woman interviewed described the difficulty of recounting the history of violence and making a written statement. Having to tell people they did not know caused them to relive the experience, and this was exacerbated when being interviewed by someone who was not sympathetic or who was asking a lot of clarifying questions.

*At first they make you write a summary of everything that happened to you. This affected me a lot because I had to repeat the story again and again. They had a lot of questions. The last time was a person who was not well trained in asking these questions, she was really cold and it hurts you. I think everyone who asks these types of questions should be well trained.*

*Relive all this (the most difficult part of the process). When you talk about things again that you don't want to talk about. For a time I couldn't do it because of my fear, I was tired because I didn't want to talk about the emotional damage any more. The most difficult thing is remembering how I could have let something let this happen to me.*

*Writing this letter and talking about the abuse, psychologically that's the most difficult. Why does VAWA ask for this? It's like a life story and it is so difficult, so hard, it's like living it over again, and I never understood why I had to write it.*

2) Insecurity of the process. Writing the personal statement is clearly difficult, but there are other sources of emotional trauma. Women found it difficult to believe in the process and were troubled by the wait without having any security in the outcome.

*Have confidence in something that you can't see. To believe the word of (the advocate), she can't hurry anything, but she tells me, don't worry, you are going to receive your papers.*

In addition, they were experiencing depression, fear and anxiety related to the abuse.

*It's incredible what you can live through and without knowing, I could have died and never known. I could have died of a depression or ended my life without looking for help. Three years I wasn't with him, but when I saw him it was only to receive more offenses. I am here because God has plans for me, but for my part I wouldn't be, I have no will to go on.*

3) Confusing process. Women said that the process is confusing, although many admitted that their confusion was intensified by their emotional state. Many did not understand the process, even though legal aid staff had explained everything they were doing. Confusion continued well into the process.

*Knowing whether VAWA is temporary or not. Understanding government benefits and if they are going to damage my chances of getting my papers. I want to know if I can take classes, as well. And if he finds out, can he stop the process?*

*I am confused. I don't know if my VAWA is accepted or not. Then they say that later they are going to give me a work permit. And then they are going to help with my daughter too. There are so many things.*

*It's that they explain things so fast. I didn't understand anything. The only thing I know is that I am getting a benefit from the VAWA program. Probably, they have to give me an appointment with more time so they can explain it all to me, more calmly.*

4) Eligibility/evidence required. Women were overwhelmed by “*the evidence that has to be presented, my testimony, photos, marriage license, (and) testimony from other people that saw the abuse.*” In some cases, it was difficult to obtain, and one woman advised, “*When I know someone else in this situation, I am going to tell them that before they leave their house they better get all their papers together.*”

In some cases, legal aid sent away for evidence and this increased waiting time.

*It is also difficult because they ask you for a lot of papers. They needed proof that he was born here, but I don't have his birth certificate. I only know what he told me. He was married before and I don't know how to get his divorce papers. The (paralegal) told me that they could get the divorce papers, but that because his wife is still here in Arizona, I can't ask for his birth certificate.*

It was especially difficult waiting for eligibility documents based on their previous immigration efforts or interaction with immigration officials.

5) Economic cost. This difficulty was related to the process of obtaining a work permit. Women married to legal citizens can apply for their work permit at the same time as they apply for VAWA and get a work permit very quickly. However, those who are married to an LPR have to

wait for VAWA approval which can be a great burden to women who are trying to put their lives together.

*The tension from not having a work permit. I don't work; I am waiting for my permit. Almost all of us have kids and need to pay the rent and feed them. This has been the most difficult.*

6) Immigration law. Some aspects of the law itself create obstacles for women. Women complained of being separated from their family during a difficult time because VAWA applicants are not allowed to leave the country. Other hardships were having a child too old to be covered under VAWA, delays in the immigration system, complications in immigration history, and waiting time for a work permit.

*Not being close to my family. My grandmother died and I couldn't go. They don't give us permission to cross (the border) even in an emergency. Why don't they permit this type of emergency permit?*

*For me, the difficulty has been that my oldest child isn't covered in my application because of his age. It is difficult to accept. There are things that although the women (legal aid) are trying to resolve them, they can't.*

#### ***b) Worries related to the VAWA process***

VAWA was created in recognition that immigration law should not place women at increased risk of abuse and gives battered immigrant women a course of action independent of their abuser. However, the VAWA process itself can extend the experience of abuse. Women applying for VAWA have ongoing worries. There is always something to wait for: their work permit, VAWA approval, and finally residency papers. The immigration process creates a feeling that nothing is permanent, and the process is marked by instability and uncertainty. The worries expressed by women were extensive and were viewed from different perspectives, from when they first applied to their current status in the process, and finally to being approved and dealing with problems that are more common to domestic violence victims trying to start a new life. Contextually, women continued to feel the isolation associated with being a battered immigrant woman: *“you are alone in a new country, a new language, without family, and without support, and with children to support and protect and explain everything that is happening.*

Worries associated with the VAWA process fell in five categories:

1. The abuser
2. The VAWA process
3. Basic survival
4. Children's welfare
5. Deportation

1) The abuser. Women continued to be fearful of their spouses. Some were concerned that he would find out that they were applying to VAWA and disrupt the process and others were concerned that their abuser would retaliate against them or their children. There was concern

that information they shared was confidential. Several were subject to ongoing contact with the abuser or his family. Many women demonstrated symptoms of post traumatic stress syndrome.

*I am worried that they will deport me. He sent immigration to my house. Now I am getting over it, I am not going to get into another trap that I can never get out of. My children were also with my mom, she went across the line with them. He went and got them and my son went with him. He took my son, and he sent the police on me and my mom as well. He put my children against me; he accused me of being a tramp. The police told me that I was accused of being a bad mother; they asked me if I had papers. Wait, I said, you guys are the police or immigration? I showed my papers, but they told me they weren't worth anything and they took me away in front of my children. They took me to a prison in Tucson. I spoke to an advocate and told her that they wanted to me to sign some papers. Don't sign anything, she told me. I was there 5 days, we ate nothing but hamburgers, we didn't bathe, we froze; 25 people in a freezer without blankets.*

*The worst problem I was having was my husband who said, ah, you are getting out of my control, I am going to hit you or kill you. But he saw that I was strong, emotionally, that I wasn't the same woman that he dominated.*

*I am never going to be the same. I was two years in therapy, I took medicines. And the worry that my husband might hurt my children or me never goes away.*

*I still have a lot of fear and anxiety with them. With men. Because of my husband. And I don't go out. Only with my family. I don't want men to come near me. I don't want to have anything to do with men. But I am going to move ahead.*

2) The VAWA process. The VAWA process also caused anxiety. The women found it difficult to believe that they would be successful in self petition, and they experienced ongoing fear about the fact that they had exposed themselves and their legal status. Waiting to find out if they qualified was thus very difficult, especially if there were concerns about immigration history.

*(It was difficult) waiting for one year with approval and without being able to work. Not being able to work, and with three children. To be in a country and feel so impotent, and fearful of getting into a legal situation with the authorities, the fear that they will deport you.*

*I can't do anything until I know the answer. I am waiting.*

*The problem is the work permits. The fear that they will tell you, not anymore. You feel such instability with immigration law.*

3) Basic survival. Related to the issue of being concerned about work permits, women expressed concern about basic survival, getting a job, keeping a job, needing a social security number to buy a house, qualifying for aid, such as Medicaid and housing.

*I am not working. I am living with my sister in law and I had to leave there with my son. And in order to work you need papers or a social security number.*

*Economics. The children. Their dad doesn't give anything because he is not working. They are investigating him. He gave me nothing this month and he gives me very little. I have to buy everything for my kid's school. Now they gave me my work permit. I want to work in Head Start.*

*How am I going to move forward with the food, the expenses, besides all the pain that I've been through?*

*I want to buy my house; I don't have a social security number. Thirteen years here and I am tired of working for others. I want to buy for myself, put money in the bank, travel. Not even to Phoenix could I travel. I am trapped here in Tucson.*

4) Children's wellbeing. Related to survival, women expressed concerns about raising kids alone and their children's wellbeing.

*I am immigrating myself and my daughter as well, for her future, she is very smart.*

*(I'm worried about) my children. They're in danger from drugs, and dropping out of school. The good thing is that my son wants to work, have things, not depend on me. But he is rebellious.*

5). Deportation. Deportation was a continuous worry all through the VAWA application process. Some concerns stemmed from immigration history and illegal entries in the past. Women were very concerned about being separated from their children if they were deported, as well as about the legal status of their children.

*That the migra picks me up. They are stopping people everywhere.*

*My fear is that if it doesn't turn out well, I would have to leave with my kids by myself. It is one of my greatest worries.*

*I'm worried about being separated from my kids. After having a life here, you don't have anything in Mexico.*

*I was worried that they were going to show up at my house and deport me. What was going to happen to my kids if they deported me?*

*My biggest worry was that I put my son in my application, but he had to be here for them to give him his work permit. He was in Mexico and I didn't want him to jump the fence. He was trying to work in the Ford Plant and get his visa that way.*

*My kids are worried. They don't want me to go.*

**c) Experiences with the system**

Different factors affect women's experience with the system, because each case is different and immigration appears to be a somewhat arbitrary process. For example, while some women never see their spouse in court, those who do complain of his manipulation of the legal system. Clients who have returned to their spouses may face judgment from service providers, regardless of their eligibility for VAWA. According to legal aid, at times, the client does not take legal advice and makes their cases more complicated. Although in general, women were extremely grateful to service providers, at times their interactions were difficult.

*Someone in legal aid said that maybe I was lying and that he (her spouse) was going to defend himself. Also someone in the food stamps office was very difficult. They told me that I didn't qualify in a very bad way. They said it was because I didn't have letters of things that I was supposed to turn in. But I didn't know. I turned in what they asked for.*

*It was the way they treated me. They know that I don't have papers and that's when the mistreatment starts. When I took my son to the pediatrician, they told me that because of me other people don't get food stamps and end up in the street. Because I have 6 kids.*

The other difficulty was legal abuse by the spouse. In many cases, women never confront their abuser, but in cases when there is a contested protection order, it does become an issue. One woman complained that her husband called her a "mojada" (*wet back*) another said his wife was a prostitute.

*I still haven't finished the process of divorce. I don't want to go to the court because he is right by my side. I don't know how I am going to react. One time we went to court and he cried, he made himself the victim in front of the judge, saying I was here illegally.*

#### **Section 4. Facilitators to completing the VAWA process**

The experience of many interviewees both as victims of abuse at the hands of their partner and as non-citizens has resulted in their feeling that they are not human beings within the public sphere, and as a result they do not expect to be treated well by service providers. Thus, the experience of coming in contact with empathetic people who also have power to help them is transformative. As one woman described her expectations, “*instead of being rejected, I was embraced.*” Organizations that help women were consistent across their experiences and were overwhelmingly victim services agencies and legal aide. Schools were occasionally mentioned, as was CPS, the police, and health providers.

In addition to the emotional support that providers offered women, they helped in very concrete ways. Information, explanation and clarification regarding services and their rights were all very important, as was assistance in the process of problem solving and finding solutions. The process of applying for VAWA was described as transcendent by many women, and instilled knowledge of human rights, restoring their sense of human dignity. Examples of concrete assistance included:

- Referrals/enrolling in services (food, counseling, clothes, GED)
- Relieving economic burden (hospital bills, sliding fee scale, medicine)
- Services for kids
- Counseling
- Support groups
- Legal paperwork
- Finding work
- Assistance paying for photos, low cost things
- Advice on documenting abuse (police)

When asked how providers helped them in the process of applying for VAWA, women emphasized both personal and professional qualities. They were surprised and gratified by the level of experience and professionalism of the advocates and legal staff they came in contact with. Specifically mentioned was the discreet and confidential nature of providers, and their ability to communicate about abuse.

*These people in helping agencies, they have a lot of experience. They know how to treat people who have been abused. They have the words to make you feel better, they are very good, they are caring when they talk to you.*

*They are very discreet and patient.*

*They are Latinos, of good heart, they talk to you in a way that isn't hurtful. They are educated and professional. I have known many people, friends, but they don't know how to talk without hurting instead of helping. They destroy you more. They (the advocates) know how to talk to you.*

The women were also overwhelmed by the level of empathy and support they received for their experiences. Several mentioned that they found more compassion in the providers than in their own family members and that, in fact, they were their source of emotional support through the process. Trust was often mentioned as an important quality, as was their level of respect.

*They are very attentive, very supportive, very willing to help. Even without knowing me they have given me (confianza) and help, support. They have helped me to center myself.*

*Arriving at (victim service agency) is like arriving at a church, they are angels. When I leave here, I leave once again with life.*

*What you can't talk about with your family, you talk about with them. I was ashamed to tell them what he did.*

*They have shown that they are trustworthy just in their way of being. They take the time to help and I feel good. They are like my family-I don't have the same confidence in my family. I talk with them and it's like my own words go flying in the air.*

*They way they explain things to me. Always helping me. Always friendly, always there, answering.*

*The greatest support I got was with recuperating my dignity. I was really depressed, insecure morally and spiritually. They helped me a lot with this.*

Lawyers, paralegals, victim advocates and counselors also contributed to women understanding their human rights in the context of being an immigrant in the United States.

*Centering me, in how important it is that everyone is a person, that no one has the right to mistreat me.*

*You have rights, simple because you are a person, even if you are not a citizen. The attitude they have, they really try, they have a lot of confidence that you can do it; you are capable of doing a lot of things.”*

## **Section 5. Recommendations for improving the process**

The lengthy and complicated U.S. immigration process is not going to change fundamentally, however there are improvements on both service and policy levels that might remove unnecessary hardship from women attempting to escape domestic violence, remake their lives, and support their families. While not all the recommendations are feasible, it is worthwhile to recognize certain aspects of the application process as burdensome. Recommendations fell into three categories: improvements in the VAWA process; follow up services; and increased public awareness.

### ***1) Improvement in the VAWA application process***

- Provide a thorough explanation of the VAWA process and related services at the beginning.

*I would have like for some one to explain to me about VAWA from the beginning, like that food stamps will not affect my case, and all the things that I wanted to ask but was afraid to.*

- Provide economic help to women, especially while they are waiting for a work permit. This is especially important to help women in this situation from being exploited.

*An elderly woman hired me to take care of her. I took care of her for a while and alter a months she said that she didn't owe me a nickel. Who do we go to in this type of situation?*

- Provide the work permit more quickly

*If it could be quicker. I have heard about people who have waited a long time.*

- Process the papers more quickly, or at least provide a time frame for the wait.
- Integrate agencies and services.

*Make sure everyone is in communication because we run the risk of losing our house, our work, our food if the permit doesn't arrive on time.*

- Create more security in the process.

*Facilitate the process better, I would like to know that yes, I am going to have my residency. So I am not worried.*

*It would be better to have more information. If they could say exactly how long we would have to wait for everything.*

- Provide more resources.

*There should be more budget for more personnel, so they can facilitate things. There are so many cases and not enough staff. I have seen the paralegal's desk of stacked high with folders, and she has to do them all herself.*

*Maybe if they had more Legal Aid offices. Maybe it would be faster. More agents to look at the applications, because they have a lot.*

*More support groups. I have been waiting for a counseling appointment for two months.*

## **2) Follow up services to help women integrate into the society**

The women expressed a strong desire to fulfill their potential as citizens, to work, to study and to learn. Their experience was that being Mexican and/or speaking Spanish were barriers to participation in civic activities. One woman expressed her desire this way:

*Maybe by knocking on doors, giving opportunities, yes I am worth it, yes you can, that I can work, in order for me to be a good citizen in the country. Not rejecting me. Let me demonstrate that yes I can if they give me an opportunity. At times we knock on doors and because we are Mexican and don't speak English, they close the doors on us. There was a time that I was going to (the Community College) but now they don't let me because I don't have a social security number. I want to learn more about the human body, to read, to write.*

Women were specifically interested in educational opportunities and job training after VAWA so that they did not have to live in poverty unable to support their children. One woman suggested scholarships.

## **3) Public Awareness/ Training**

Overwhelmingly, women expressed the need for greater public awareness about domestic violence and for battered women to know more about the services available to them. They felt that the community needed to speak more openly about violence towards women so that it would not be hidden and shameful. They explained that many women do not even know that they are being abused. The women stressed the need to disseminate information on human and immigrant rights, so that victims do not fear seeking help from the police or feel they have no legal recourse against the abuse.

They strongly recommended that information be disseminated in community settings, specifically suggesting churches, clinics and hospitals, WIC offices, grocery stores, English classes and school parent meetings. The radio and T.V. were also recommended. They also stressed the need to publicize the confidential nature of services.

A second area was the need for training on VAWA, most specifically for law enforcement. Even when they are being assaulted, women were terrified that the police would deport them and separate them from their children or that any involvement with law enforcement would be detrimental to immigration petitions being initiated through their spouses. Interactions that interviewees had with law enforcement had an enormous impact on their ability to free

themselves of the violence. One victim found out about VAWA through an officer who sent her to legal aid and thus transformed her life, while another was told that she should go back to Mexico and threatened to call the border patrol. Given that many police officers are not even aware of the existence of VAWA, it is crucial that every officer be trained in the law and have a clear protocol to follow when called to a domestic violence incident.

## **Regaining their lives**

A recurring theme among interviewees was the desire to regain their lives, and more specifically to be able to survive economically and ultimately to contribute to society. The opportunity to work was symbolic of being a part of society and being useful, and thus was viewed as the change agent.

*Well, when I got my work permit what I wanted most was to have a job. Twenty days after getting my permit I started working. First I had to wait for my social security number to arrive and to get a driver's license. In order to get a driver's license I had to have my social security number. All this time I couldn't drive, I didn't have a car, and my sister took me. I bought a car and I also want to buy a little house when I have been working for a while. A realtor told me I had to have two years working to be able to buy a house.*

*Since I got my work permit I have been able to go on with my life. I have secure work and hopes of having a house. The most important thing is having my security.*

Beyond basic self sufficiency, women also expressed transcending levels of fulfillment as the desire for personal freedom, recovering sense of self and ultimately personal fulfillment. Personal freedom referred not only to freedom from abuse and fear of abuse, but also as having legal documentation to reunite with family and work without fear and with dignity.

*Working legally without fear that I will be picked up. To be able to go out freely.*

Having the right to stay in the U.S. and ensure the security of the children was sometimes different from their plans to actually stay. One woman expressed her mixed feelings this way:

*I will be happier, to go out, not to have to worry that the police or immigration are going to talk to me. And I can visit my family in Mexico. I am going to feel calmer being closer to my family because my son is having a hard time. And always to keep working. The death of my daughter was a hard blow. I hope that this is over quickly and I can work, and have my apartment and two children. Maybe go live on the other side so that I am not close to him. I feel like he is my shadow, that he is following me. While this is going on I have to stay here, but when it is over I want to go.*

Another woman who had not yet received her approval described living without personal freedom as living in the shadows.

*I am going to leave if I have to live in the shadow. I have a very good job, but I am fed up. I am going to do it, my kids can visit me. I know that VAWA works, it functions.*

Recovering a sense of self was described as, “*first of all peaceful, no longer desperate, and working.*” Living peacefully with their children was central to the interviewees, as one explained, “*happy with my kids, living each detail of their achievements and experiences.*”

When imagining life in a year, women saw themselves as transformed personally. Having legal status was critical to their vision of self esteem and dignity.

*A total change, in every way. Like a human being I am going to have more confidence. I'm even going to apply for work with more confidence. I am going to recuperate my security again. When I have my papers everything will be complete.*

*They have taught us to know ourselves, to value our rights, to be respected, to raise our heads and move on.”*

Finally, women conveyed their desire for personal fulfillment by having the opportunity to study, providing their children the opportunity to study, being able to help others and give something back to society and finally fulfilling their dreams in a career.

*I would like to help people that I come across, because I have been helped so much. With my values intact...and working. I am a hard worker.*

*I want to study, to get good grades. I want to study the body, the bones. I want to go to Mexico and help people who don't have any way to cure the bones. And help women who suffer from violence.*

And this transformation applied also to their children:

*The life of my children changed, it changed so much. My daughter was fearful, timid, angry, she didn't want to drive, nothing. Now she is another person, she is going to the university, she drives. It opens the doors of heaven.*

## Recommendations

The interviews summarized here provide valuable perspectives on the VAWA process and how the system treats battered immigrant women, both with intent and inadvertently. Policy makers and practitioners alike can benefit from a comprehensive appreciation of the impact of abuse, the response of law enforcement and the justice system, and the action, inaction, and reaction of battered immigrant women. The justice system is a social force that can be either therapeutic in the sense that women gain awareness of their legal rights as individuals, or abusive by being punitive, confusing, and inconsistent. The recommendations that follow are derived not only from these interviews, but also from the current field of research. Recommendations are grouped within research, policy and practice with the hope that the lessons learned here can positively impact these arenas.

### Practice

Service and advocacy activities require greater attention to the complex process that battered immigrant women go through in addressing intimate partner violence. Previous research and the interviews documented here describe the manner in which immigrant women progress from talking with informal networks to undertaking formal strategies to end violence (Erez, 2003). Each successful interaction leads to greater sense of control and increased potential for further efforts. Given that help-seeking behavior often begins with informal contact with members of their cultural community, it is crucial that information about domestic violence and the opportunities afforded under VAWA be disseminated at a community level (Liang, 2005). Building community awareness occurs most effectively in places where the immigrant community is likely to connect, such as Head Start programs and community clinics.

Internal community resources can be activated to build community awareness and educate informal networks, thus providing a pathway for information to reach battered immigrant women. In many of the cases documented here, community presentations at Head Starts and neighborhood schools led to victims' realization that they were abused and had options. Research shows that this strategy can be improved through the provision of culture and language-specific programs that target single immigrant populations and can more easily be incorporated into a community and culturally based service networks (Raj & Silverman 2002). Innovative strategies to build awareness within the context of a community center might include advertising on the local radio and dissemination through ELS programs (Bhuyan 2005). In this project, many women attended "community chats" hosted by the local sexual assault agency that has a culturally specific program and a satellite office in the Latino community. Strong collaboration between victim advocates and legal aid services enhanced the cultural competency of services and ongoing counseling and follow up for applicants.

Awareness is the first level of accessing services, but the dearth of resources also must be recognized. Economic stability and access to legal representation are immense barriers to battered immigrant women. Assistance should be considered from both short and long term standpoints. While assistance with food and housing may be a short term need, the system also needs to attend to the long term need for both emotional and practical support (Liang, 2005).

Finally, a provider that comes into contact with the immigrant community should be trained to understand the context of immigration, their legal rights, and how to respond in a culturally competent and therapeutic manner. The provider community includes not only victim service agencies, but also schools, health care facilities, economic aid agencies, law enforcement and the justice system. In considering the formal provider network, it should be noted that police may be the first contact that a battered immigrant woman encounters and should therefore be trained to be a resource and an ally (Erez, 2003). Police officers and border patrol agents would benefit from a clear and well communicated protocol for incidents that may involve a battered immigrant woman. Those providing legal services also need to be aware of cultural concerns and the fact that while the legal process is routine for providers, battered immigrant women know very little about the legal process and their rights, and that additional time needs to be taken to increase their understanding of legal issues and concerns. The most efficient way to respond to the various roles of the formal provider network may be the collaborative development of a coordinated community response in which protocols are followed and services are integrated.

### Research

The tendency of research to focus on the cultural aspects of domestic violence fails to acknowledge that societal norms and laws are ultimately responsible for the fact that thousands of women are injured or killed each year by an intimate partner. For example, many articles suggest that some cultures afford more power and dominance to men, resulting in greater violence toward women. However, partner violence impacts women of all cultures and class and existing studies are unable to distinguish cultural background from socio economic status, indicating that economic stress may be a more significant predictor of domestic violence than cultural background. Furthermore, ascribing responsibility for male partner violence to cultural beliefs overlooks the complex role of racism in the development of cultural norms. What is presumed to be culture may actually be the effects of racism, or in other words the experience of acculturation, immigrant status, community response, and histories of oppression that affect the experience of minority communities. Future research should focus on the understanding the impact of racism on intimate partner violence and on the ability of immigrant women to access and utilize resources and services designed to help them end the violence.

Family is a second area of research that might contribute to understanding how best to help battered immigrant women connect to the system. The women in this study had different experiences of family. On the one hand, some women found out about VAWA from a family member and others received emotional support through the family network if there was one available. But the interviews also suggested that the family structure may support the abuse by discouraging women from seeking help (Kasturirangan 2004; Liang 2005). Additional research in understanding the impact of family could be beneficial in helping agencies build awareness in the community at large so that families do not become an instrument of oppression for women in violent relationships.

### Policy

The legislative response to the current environment of anti-immigrant sentiment is pushing immigrant women further into the shadows making them and their children ever more vulnerable to abuse. As it currently stands, VAWA ensures that immigration law cannot be used as a

weapon of control and abuse by either U.S. citizens or legal permanent residents. The women in this report testify to the overwhelming courage required to confront their shame and fear, suffer economic instability, and withstand overwhelming uncertainty and enter the VAWA process, discrediting public apprehension that it is possible or probable that non-victims could take advantage of this opportunity. In a nonviolent relationship, those married to citizens or legal permanent residents have legal recourse without VAWA. On a policy level, maintaining this opportunity for self petition is fundamental to the safety of this vulnerable population.

However, there is still much to be done to ensure that battered immigrant women can avail themselves of this right. Potential initiatives in the policy arena include mandated training for first responders, including health providers, police officers and border patrol agents. Additionally, development of formal protocol to identify and respond to potential victims would further ensure the rights of victims. For the border patrol, establishing a protocol to identify victims will be a significant challenge, given that their mandate is one of enforcement and does not include identification or treatment of victims. To protect the ability of battered immigrant women to report abuse, local law enforcement efforts and the border patrol should remain separate. Collaboration with victim service agencies in developing protocol and instituting training would contribute to the feasibility and cultural competency of these efforts.

Finally, policy changes within the application process should be considered. The process of preparing a personal statement describing the abuse was a distressing experience for each of the women interviewed. Because the necessary emotional burden of this process is so immense, strategies to decrease other stressors are recommended. A major concern is the financial burden to women who are attempting to remake their lives but are unable to work. Ideally, upon issuance of a notice of prima facie case determination, which normally occurs in three to four weeks, an applicant would receive employment authorization (EAD) and be able to work while her case is being investigated by the U.S. Customs and Immigration Service (USCIS). This would allow applicants to avoid applying for federal benefits and be financially stable during the application process. However, concerns regarding fraudulent applications may make this solution unpalatable to policy makers. Alternatively, the government could require USCIS to adjudicate self petitions within 90 days and allow approved applicants to receive their EADs within that time frame. If 90-day adjudication is not possible, then a temporary EAD should be granted to the applicant by the 90<sup>th</sup> day. Providing faster access to legal employment is particularly important to the safety of self-petitioners who have no access to public benefits while their petitions are pending. Domestic violence shelters cannot support self-petitioners and their families for the 12-month period it currently takes USCIS to adjudicate a self-petition and then grant employment authorization. Earlier issuance of EADs would allow self-petitioners to become financially independent of the abuser and leave the abusive situation months earlier.

## **Conclusion**

The Violence Against Women Act was designed to protect immigrant women married to U.S. citizens or legal permanent residents from being trapped in abusive relationships due to fears related to their immigration status. The protections afforded battered immigrant women under VAWA ensure that immigrant women have the means to escape a violent situation and protect the well being of their children without suffering extreme hardship related to deportation. Immigrant women are a population completely hidden from society as a result of both the abuse and their legal status in the U.S. In providing the option of self petition, VAWA gives battered immigrant women the opportunity to completely remake their own lives as well as those of their children. Nonetheless, the emotional, financial and logistic barriers facing immigrant women in applying for VAWA are overwhelming. Steps to reduce this burden among providers, with law enforcement and in the VAWA application could have a major impact in increasing access to VAWA and decreasing the emotional and financial burden of the process.

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