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Immigrant Women in Abusive Relationships Rarely Seek Out Help

By Cindy Carcamo

SANTA ANA, Calif. – Much of Estela Garibay's life was invisible until the day she died. In a chilly morgue, on Christmas Day 2003, her body told the story she'd kept secret for so long.

Her swollen lip. Her bruised wrists.

The thin red mark that roped from her right ear to under her cheek.

Garibay, an illegal immigrant from Mexico, had suffered more than five years of emotional and mental abuse by her husband, Miguel Angel Martinez, her family says.

It culminated Christmas Eve 2003, when Martinez allegedly strangled the 28-year-old mother of four in the bedroom of their Santa Ana home. Police are still looking for him.

The abuse, like the victim, left no paper trail. Garibay never called a domestic-violence hot line. She never filed a police report or requested a restraining order. She never sought refuge at a women's shelter.

Her tale of abuse, isolation and fear is similar to those of countless undocumented female immigrants who come to the United States with dreams that turn sour, said Leslye Orloff, director of the immigrant women program at Legal Momentum in Washington, D.C.

These women are afraid of losing their children, their livelihood and their homes if they report the abuse and their legal status is revealed.

So they endure it. Quietly. In the shadows.

Domestic abuse is a costly problem – in dollars and in human suffering – and it is complicated by the women's legal status.

As many as one in four women have been abused by a partner, according to the National Institute of Justice and the Centers for Disease Control and Prevention. That figure nearly doubles among Asian and Latina immigrants, according to a 2002 Harvard and Boston University study.

“However difficult it is to get help as a victim of domestic violence, it’s worse for these women,” Orloff said.

Experts say undocumented immigrant women are more likely to stay in an abusive relationship longer than non-immigrants because of economic hardships and the need by many to have a two-income household.

“An (undocumented woman) is the most difficult client we have,” said Shirley Gellatly, community education director for Human Options, an Orange County, Calif., shelter. “What we can do is keep her safe longer.”

Human Options estimates that 38 percent of the 930 people who accessed its shelter in 2003 didn’t provide a Social Security number, a possible indicator of how many undocumented immigrants sought its services.

Nationally, domestic violence carries an enormous financial cost.

The Centers for Disease Control and Prevention in 2003 estimated that the health-related costs of the violence exceed \$5.8 billion a year, although there is no breakdown for undocumented immigrants.

And while the cost to the legal system is similarly unclear, the amount is expected to rise as the number of undocumented immigrants – estimated at 2 million in California and 11 million nationwide – increases.

Police are often caught in the middle.

Santa Ana, Calif., Police Chief Paul Walters said the law grants all crime victims the same rights to protection and jurisprudence, so his officers, like those in many other agencies, don’t ask abuse victims whether they are in the United States illegally.

The decision to ignore immigration status followed debate in the mid-1980s. The Santa Ana department came to the conclusion that asking crime victims whether they had immigration papers would be counterproductive to community policing, Walters explained.

John P. Clark, deputy assistant secretary of U.S. Immigration and Customs Enforcement, said it’s rare for a police agency to ask immigration officials to detain victims of domestic violence when they are in the country illegally. Still, he said, anyone in the United States illegally is subject to deportation under the law.

A little-known federal law is on the side of some abused women.

The Violence Against Women Act, passed in 1994, allows undocumented women who are married to legal residents or to U.S. citizens to apply for residency on their own and without their batterer’s cooperation.

But finding an attorney who specializes in the law is important because the application process is complicated and might confuse even the most skilled legal advocate, experts said.

Garibay, a stocky woman with chocolate-colored eyes, operated beneath society's radar screen. She became so good at it that when her siblings heard her husband criticize her with cruel words, she would tell them it was nothing serious.

But little by little, in the months before Garibay's death, her sister Lupe Espinoza discovered more problems.

Like many undocumented victims, Garibay was scared. She was afraid of being deported to Mexico, which she had left in the mid-1990s. She was afraid of being separated from her children. She was afraid of losing her seamstress job.

That fear was a departure for the woman raised in Brisenas, a town in the south-central Mexican state of Michoacan.

Garibay was one of 10 children born to a domineering father who ordered their mother around. Yet she was a spirited, physically active girl who grew into a gregarious, strong-willed young woman.

She had an opinion about everything.

"This is just the way I am," she would shrug when people teased her about being so outspoken.

She would dance until blisters formed on her feet. She made friends with strangers. She worked 10-hour days and dreamed of opening a small business and buying a small house.

Garibay had a string of bad luck with men, and she made some poor choices. Her first marriage, in Mexico, produced a son, David, now 11. The family soon moved to Santa Ana, where she discovered her husband's drug addiction. They divorced.

Four years later she fell in love with a man who, learning that she was pregnant with his twins, told her he was married. They broke up, and in 1997 Garibay gave birth to Cassandra and Jorge, now 7.

Two years later she met Martinez at a friend's dance party, where he was working as a bouncer. An undocumented immigrant like Garibay, he earned money as a security guard.

Family members say Garibay was drawn to the stability Martinez provided. He also knew how to charm. After they quarreled, Martinez would woo her back with flowers, plush toys and sweet words.

Garibay introduced Martinez to her family after the couple eloped, but her siblings sensed something bad about him.

Their dislike grew after Martinez verbally insulted Garibay in front of them during family gatherings. Her younger sister, Maria Cruz Garibay, moved in with the couple for a short time and said she saw Martinez hit the children.

Still, her family members never saw Martinez lay a hand on Garibay.

Martinez's mother said her son was a good father who accepted all four children, including the couple's son Michael, 5, as his own.

"My son never smoked, he never drank, and he worked hard," said Luz Martinez, who lives in Santa Ana.

Yet, she said, she doesn't know where her son is or why he hasn't been seen since Christmas Eve 2003.

"Only them and God know what happened," she said.

Garibay's siblings believe that the three children from previous relationships drove a wedge between her and Martinez.

Garibay told her family that Martinez had a particular dislike for and hit the older three children because they weren't his.

A few hours before Garibay's death, she and Martinez argued about whether David should be sent to Mexico to live with his father, the boy said.

The children were one of the main reasons Garibay was afraid to call the police, her family said.

Martinez would manipulate Garibay, threatening her with deportation and the loss of the children if she sought help, her family said.

Garibay began to withdraw from most of her brothers and sisters. She stopped going to Sunday family barbecues and to other social events. When her siblings did see her, she looked disheveled and distracted, her sister Espinoza said.

"She became a shadow," Espinoza said. "Near the end she changed completely. She thought nobody understood her."

Espinoza, a few years older, was the one person Garibay confided in about Martinez's outbursts.

Garibay called Espinoza in tears in early December 2003. Martinez was shoving and hitting the children, and the couple's arguments had become more vicious. She was finally thinking of ending it.

Espinoza urged her to move out and divorce him.

“We’re here for you,” Espinoza told her. “We’re your family. He is someone that is in the way. ... He’s a piece of gum that just stuck to you.”

“What we didn’t know,” she later recalled, “was that she was in a time bomb that was about to explode.”

Two weeks after the conversation, Garibay was dead.

A little before noon on Christmas Eve 2003, the bad feelings were simmering from the argument over sending David to Mexico, the boy said.

Garibay shepherded the youngest three children into a bedroom of their Brook Street home and closed the door, something she often did when she sensed an argument coming, David said. She didn’t want the kids listening to or seeing the fights.

The younger children, accustomed to the bickering, watched TV and played with Legos. David played next door with a friend.

The children said they heard shouting in the bedroom. Then silence.

Soon the children grew fidgety. David returned home after noon and let his brothers and sister out of the room, he said.

They knocked on their parents’ bedroom door, asking for chocolate. They didn’t hear a response. Frustrated, David ran outside to a bathroom window.

He knocked on the window and heard a man coughing inside. David knocked harder. He kicked in the glass window, police documents state.

Through the shards of glass, David said, he saw Martinez, his face flushed. He had one hand around his neck and looked as though he were trying to choke himself, David and police documents said.

Martinez kneeled over Garibay’s body lying in the doorway of the master bathroom. Her eyes were closed. Bruises and red marks stretched across her arms and shoulders, David said.

Something white foamed out of her mouth, a police report said. Blood and mucous protruded from her nostrils.

“Miguel stared at me with mean eyes,” David recalled. “I stared back with mean eyes.”

David ran back inside. He said he tried to knock down the bedroom door with his 70-pound body.

David said he ran to the room of Jaime Martinez Escobar, Martinez’s older brother. Jaime knocked down the bedroom door, police documents state. The four children rushed in.

Cassandra begged her mother to wake up. Jorge ran into the street, yelling for help.

Garibay was dead when police arrived. She had been strangled with an electrical cable, her family said.

Martinez, 30, and his brother, Escobar, 41, left the house and are believed to be in Mexico. Arrest warrants have been issued – for Martinez on suspicion of homicide and for his brother for allegedly helping him escape.

A \$5,000 reward for their capture was announced last month, and Santa Ana Sgt. Carlos Rojas said investigators are hopeful.

“We have been working with officials from Mexico who have been helpful in our attempt to locate the suspects,” he said.

While Martinez’s capture would help close the investigation, Garibay’s children could be caught in a lifelong cycle.

Superior Court Judge Pamela Iles, who supervises the South Justice Center’s Domestic Violence Project, said families living with abuse need help as soon as possible because children exposed to that environment are more likely to join gangs, do drugs or become teenage moms.

Children who witness abuse also are more likely to become batterers or victims themselves than children who grow up in a nonviolent household, Iles said.

Intervention, she said, is crucial.

Today, Garibay’s four children are in therapy and living with relatives. David, the eldest, has behavioral problems linked to the abuse he witnessed and was part of, the family said.

Iles’ Domestic Violence Project provides counseling and oversight of 175 to 200 cases a year. About 300 to 350 children are enrolled at any given time. The program welcomes everyone who comes through her courtroom.

“Legal or illegal, their national status has nothing to do with their treatment,” she said. “We have a ‘don’t ask, don’t tell’ policy.”

Eleven-year-old David blames himself for his mother’s death. He throws temper tantrums at least once a week.

“I think it’s my fault. If I would’ve attacked him this wouldn’t have happened,” he said. “I should have called the cops and they could’ve captured him.”

His face crumples with pain. “She always said, ‘I love you.’”

During quieter moments, when he especially misses his mother, David thinks of the good times, such as when she bought him a Nintendo game system.

Other times, he wraps himself in a blanket and hugs her photo. He pretends it's really her.

On a cold day about a year ago – the sort of day where people huddle in the sunshine to avoid the shadows' chill – more than 50 friends and relatives gathered at Santa Ana Cemetery for Garibay's burial.

Espinoza, the sister whom Garibay could lean on, stretched out her arms and cried as she stared at the pink casket. Clad in black, she clutched a silver cross and held a handkerchief close to her mouth.

She screamed.

“I told you to leave him!”

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