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Many Victims Don't Know Law Provides Protection

By Bill Reiter, Register Staff Writer

In 2000, looking for a way to extend legal protection to abused immigrant women, Congress passed the Battered Immigrant Protection Act, an expansion of the 1994 Violence Against Women Act.

The measure was designed as a humanitarian effort and as a tool that would help in prosecuting violent offenders.

“Lawmakers understood that it was very important to offer protection to victims of domestic violence that occurred in this country, regardless of their immigration status, because those victims and their children needed help,” said Leslye Orloff, director of the Immigrant Women Program at Legal Momentum, a national women’s rights organization.

“Abusers of immigrants held a trump card: They could get these women deported” despite the abuse, Orloff said. Expansion of protection, she said, “was a straight-up law enforcement issue.”

The law gives an immigrant woman who is a victim of domestic violence two ways to stay in the United States, experts say. She can file a self-petition if she is married to her abuser and the abuser is a U.S. citizen or permanent resident; or she can request a visa if she is willing to cooperate with law enforcement.

Many people don't know this law exists.

“Most people don't know about VAWA or what the remedies are unless they seek help,” said Meg Bessman-Quintero, a former immigration specialist with the Counsel on Sexual Assault and Domestic Violence in Sioux City, a shelter that does outreach and legal advocacy work.

“I still have clients who are approved VAWA petitioners, who are legal permanent residents, whose partners have convinced them they will get their residency taken away” if they leave them, Bessman-Quintero said.

Some people see the law as a means for immigrant women who are in the country illegally to attain residency via fraudulent claims of abuse.

“A lot of people – lawyers, police – think these women are using the system,” said Sonia Parras Konrad, director of a program for immigrant victims under the Iowa Coalition Against Domestic Violence. “They don’t recognize the fact they’re victims.”

Officials and advocates say that bogus VAWA cases are rare, and that all VAWA petitions go through a team of investigators who are trained to sniff out cases of fraud.

“You have a team of experts, day in and day out, who are doing nothing but these cases,” Orloff said. “They’re trained to see the difference – to grant the legitimate cases and deny those that are not.”

Orloff said immigrant women who are victimized are less likely than U.S. citizens to report these crimes. “The likelihood that a battered woman is going to call help from the police is around 50 percent,” she said. “It’s only 18.8 percent of undocumented women” who report cases of abuse.

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