

# IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE

## WHY IT MATTERS

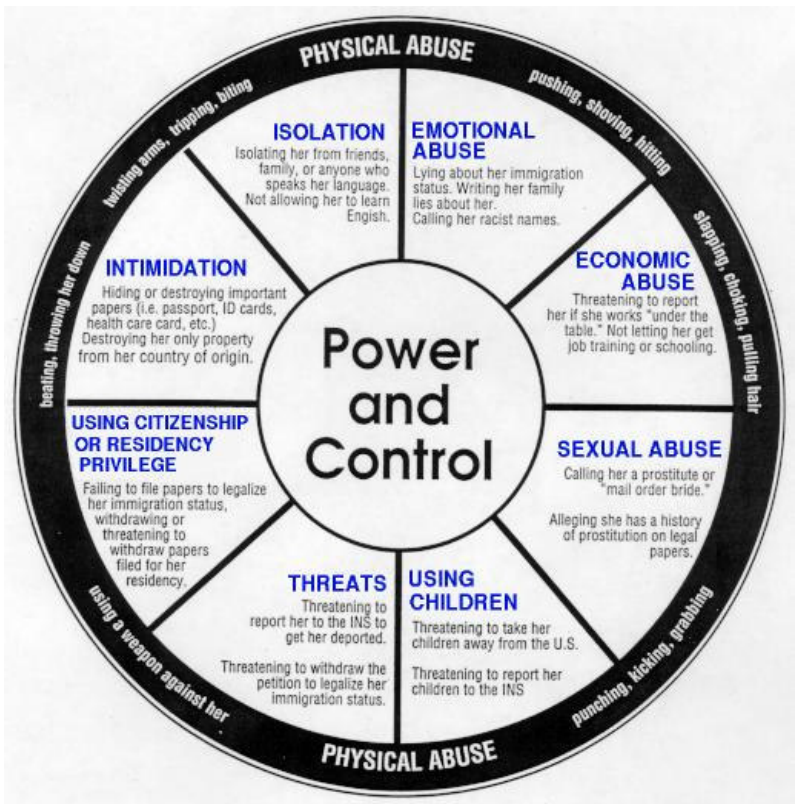
Domestic violence is a complex problem in any community. However, the effects of intimate partner violence on immigrant victims can be magnified due to fear of seeking assistance and cultural differences. These influences can create barriers for immigrant victims of domestic violence who, because of their immigration status, may face a more difficult time escaping abuse. Such barriers may include lack of knowledge of legal protections, language barriers, fear of the police, cultural pressures and social isolation.<sup>1</sup>

## DID YOU KNOW?

- In a study of Latina women in the Washington, D.C. metropolitan area, 27% of the battered immigrant women surveyed stated their fear of being reported to immigration authorities as their primary reason for remaining in an abusive relationship.<sup>2</sup>
- 41% to 60% of respondents in surveys of Asian ethnic groups in the U.S. have reported experiencing domestic violence during their lifetime.<sup>3</sup>
- A survey of Korean immigrant women found that 60% had been battered by their husbands.<sup>4</sup>

## BARRIERS TO SEEKING HELP<sup>5</sup>

- **Language Barriers:** Language barriers will often prevent immigrant victims from seeking legal assistance, emergency shelter or other services.
- **Perception of Law Enforcement/Legal System:** Immigrant victims often have negative experiences with law enforcement in their country of origin or may distrust the U.S. legal system because of misinformation from abusers.
- **Fear of Deportation:** Abusers often threaten victims with deportation if they complain about abuse, threaten to leave, or threaten to call the police for help.
- **Cultural/Religious Issues:** Because some religions and cultures have strict guidelines for gender roles, victims may feel that they do not have the right to disobey, tell others about the abuse or leave their abuser.



## PROTECTIONS UNDER VAWA<sup>6</sup>

The Violence Against Women Act (VAWA) created special routes to immigration status for certain battered immigrant victims. Under VAWA, there are two ways for victims who are married to US citizens or lawful permanent residents to get their residency:

- ⇒ The first way to get residency through VAWA is called "**self-petitioning**." Instead of the victim depending upon their spouse to apply for residency with the U.S. Citizen and Immigration Services (CIS), the victim can apply on their own and their children. The victim's spouse plays no role in the process and does not need to know they are applying.
- ⇒ The second way to obtain residency under VAWA is called "**cancellation of removal**." This is available to battered victims only if they are in (or can be placed into) deportation proceedings. If they qualify for cancellation, the court may waive their deportation and grant the victim lawful permanent residency.

## TACTICS USED TO CONTROL IMMIGRANT VICTIMS <sup>7</sup>

- **Isolation**– keeping the victim isolated from family, friends, and people that speak the victim’s language; not allowing the victim to learn English.
- **Threats**– threatening to report the victim to ICE, withdraw a petition to legalize immigration status, or seeking sole custody of children if the victim reports the abuse or attempts to leave.
- **Intimidation**– hiding or destroying important papers such as passports and green cards, destroying property.
- **Citizenship or Residency Privilege**– failing to file or withdrawing papers to legalize immigration status, lying to the victim about her status
- **Economic Abuse**– not allowing job training, work or schooling; threatening to report the victim for working “under the table,” taking money from the victim.
- **Emotional Abuse**– lying about immigration status, threatening harm, calling the victim abusive names.

## ORGANIZATIONS FOR IMMIGRANT RIGHTS

### National Network to End Violence Against Immigrant Women

[www.immigrantwomennetwork.org](http://www.immigrantwomennetwork.org)

### National Immigration Project of the National Lawyers Guild

[www.nationalimmigrationproject.org](http://www.nationalimmigrationproject.org)  
Phone: (617) 227-9727

### National Immigration Forum

[www.immigrationforum.org](http://www.immigrationforum.org)

### Legal Momentum’s Immigrant Women’s Program

<http://www.legalmomentum.org/legalmomentum/programs/iwp/>

### National Immigration Law Center

[www.nilc.org](http://www.nilc.org)  
Phone: (213) 938-6452

### National Network for Immigrant and Refugee Rights

[www.nnirr.org](http://www.nnirr.org)

## WHAT YOU CAN DO TO HELP

- Inform immigrant victims of violence of their right to self petition as mandated by VAWA.
- Refer non-citizens to immigration law experts, not the U.S. Citizenship and Immigration Services (CIS). Have immigrant victims talk to an immigration advocate specializing in domestic violence about their immigration status.
- Call or write your Members of Congress and request that they work to strengthen and uphold the provisions to protect battered immigrants and their children under VAWA.

## IF YOU NEED HELP

For more information or to get help, call the National Domestic Violence Hotline at **1-800-799-SAFE**.

Advocates with the National Domestic Violence Hotline understand immigration issues and can provide translators for more than **140 languages, 24 hours a day**.

## SOURCES

<sup>1</sup> Orloff, Leslye and Rachael Little. 1999. “Somewhere to Turn: Making Domestic Violence Services Accessible to Battered Immigrant Women.” *A ‘How To’ Manual for Battered Women’s Advocates and Service Providers*. Ayuda Inc.

<sup>2</sup> Sudha Shetty and Janice Kaguyutan. 2002. Immigrant Victims of Domestic Violence: Cultural Challenges and Available Legal Protections. National Electronic Network on Violence Against Women.

<sup>3</sup> A. Raj and J. Silverman, Intimate partner violence against South-Asian women in Greater Boston *J Am Med Women’s Assoc*. 2002; 57(2): 111-114.

<sup>4</sup> Tjaden, Patricia and Nancy Thoennes. 2000. *Extent, Nature and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*. The National Institute of Justice and the Centers for Disease Control and Prevention. Retrieved July 1st, 2007. <http://www.ncjrs.org/pdffiles1/nij/183781.pdf>.

<sup>5</sup> Yoshihama M. Battered women’s coping strategies and psychological distress: Differences by immigration status. 2002. *American Journal of Community Psychology*, 30, 429-452.

<sup>6</sup> Womenslaw.org. 2006. Information for Immigrants: VAWA Laws and Procedure. Retrieved June 27, 2007 from <http://womenslaw.org/immigrantsVAWA.htm#25>  
textualmaterials.doc.

<sup>7</sup> Family Violence Prevention Fund. *Barriers*. Battered Immigrant Women Toolbox. <http://endabuse.org/programs/printable/display.php3?DocID=113>.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE



The Public Policy Office of the National Coalition Against Domestic Violence

(NCADV) is a national leader in the effort to create and influence Federal legislation that positively affects the lives of domestic violence victims and children. We work closely with advocates at the local, state and national level to identify the issues facing domestic violence victims, their children and the people who serve them and to develop a legislative agenda to address these issues. NCADV welcomes you to join us in our effort to end domestic violence.