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Everyone Deserves to be Safe

Spring 1999

FRAGILE: Handle With Care

An AFS Newsletter on Domestic Violence

When Immigrant Women Experience Domestic Violence...

Domestic violence cuts across economic, cultural, ethnic, and social demarcations. Battered immigrant women are especially vulnerable to spousal abuse because of their often limited access to domestic violence information, social services, financial help, legal protection, and also because of the many fears they face due to their immigrant status. Typically, in an abusive situation, the woman is isolated by her abuser from family and supportive friends with the result that she is not able to talk with anyone about her problem. This is especially true of battered immigrant women. Those who work exclusively with immigrant women report that attorneys are often the first contact outside of her own family that a battered immigrant woman makes because she fears the possibility of deportation and the uncertainty of how support and child custody will play out. Although we may never see large numbers of abused immigrant women, our first concern has to be the safety of the women and children we see. Our commitment as professional social service workers is to support immigrant survivors of domestic violence and to bring as much understanding to their situation as possible to help them take advantage of the resources they can access. The focus of this Spring edition of FHWC is on immigrant women and the circumstances they face.

What can we do to help battered immigrant women?

The Family Violence Prevention Fund suggests that educating ourselves about the problem and the kind of resources which are available in our local areas is an important place to start. They suggest that we become familiar with immigrant communities in our area and the services available to them. They also suggest that we learn about the special challenges faced by battered immigrant women and remember that the United States has historically been a country of immigrants.

Battered immigrant women are sometimes dependent on their abusive partners to get permanent resident status in the United States. Immigrant women who have been married to U.S. citizens or lawful permanent residents for less than twenty-four months at the time residency is granted receive a *conditional residency* for two years. Within ninety days before the two-year waiting period ends **the couple must jointly apply for permanent residence status for the woman**. Many abusers have used their control over this process to trap spouses and children in abusive relationships.

The Immigration Marriage Fraud Amendment (IMFA) provides three remedies for battered immigrant women who have conditional residency. Under the IMFA, if the woman was married but legally terminated her marriage she can still receive permanent resident status without the help of her spouse by 1) asking for a **waiver for terminated marriage**. This waiver is granted if the woman can show that there was a bona fide marriage and that it was entered into in good faith. Additionally, if the woman or her child was battered or subjected to extreme cruelty by her husband during the marriage, she may qualify for 2) a **battered spouse waiver**. Of course, to get one of these waivers requires a body of evidence to be assembled and the woman will have to work with an immigration attorney or advocate to present the best case possible to the INS. A third **waiver due to extreme hardship** may be granted, but experience has shown this to be a very difficult claim to make successfully.

Additionally, under the Violence Against Women Act (VAWA), if a battered immigrant woman's U.S. citizen spouse or permanent resident spouse has never applied for her to become a permanent resident, or withdrew an application he had filed, or if the application is still pending, she can self petition to become a permanent resident. Battered immigrant women who self petition may include their undocumented children in their application. Women who apply by this method must get the help of an immigration attorney or advocate and will be required to provide evidence to support their claim and show good moral character; that is, they must not have been convicted on drug or felony criminal charges.

Unfortunately, these remedies are not available to battered immigrant women who were not married to their partners. However, it is important to remember that civil remedies against domestic violence are available to anyone, regardless of immigration status. These include civil protection or restraining orders, restitution for expenses caused by the violence, and custody and support of dependent children.



QUIZ

- When a battered immigrant woman discloses she needs help, the first thing you need to do is to:
 - refer her to an immigration attorney;
 - refer her to the local domestic violence shelter;
 - determine whether she is safe;
 - call the Immigration and Naturalization Service to verify her immigration status.
- Any woman, including an undocumented immigrant woman, who is in serious and immediate danger should be encouraged to call the police if she needs protection or is in fear of her life.
(T) (F)
- Crisis lines and shelter programs need to know a battered woman's immigration status to provide assistance.

(T) (F)

4. If a battered immigrant woman is deported, she may lose custody of her children, and may not be allowed to enter the country to see her children for five years.

(T) (F)

5. For a protective order to be effective protection for a battered immigrant woman (or any woman) the batterer must be concerned about the legal consequences of violating it.

(T) (F)

Answers:

(Highlight inside the box below)

MYTHS & FACTS

Myth: Immigrants come here for welfare benefits.

Fact: Most immigrants are honest, hardworking people who come with hopes of improving their lives through jobs that pay more than in the economy they left behind.

Myth: Battered immigrant women are only battered by other members of their immigrant community.

Fact: A battered immigrant woman and her abuser may be from the same or different communities.

Myth: In some cultures women are passive and domestic violence is accepted as normal behavior.

Fact: Domestic violence happens all over the world but it is no more a part of the culture of any other country than it is a part of our culture in the United States.

Myth: All battered immigrant women face the risk of deportation.

Fact: If an immigrant woman is a U.S. citizen, lawful permanent resident, or has a valid visa, she cannot be deported unless she entered the U.S. on fraudulent documents, violated conditions of her visa, or has been convicted of certain crimes.

Are Protective Orders an Option?

The Washington State Coalition Against Domestic Violence tells us that protection orders are particularly effective for battered immigrant women married to immigrant abusers. In many cases, immigrant abusers fear the legal system, potential criminal sanctions and possible immigration consequences and curb their abuse after legal relief, such as a protection order, is sought. When it is judged to be a safe option, removing the abuser from the family's home and obtaining orders that the abuser stay away from the home and pay child support is less disruptive than having the mother leave home with the children.

Questions and Answers

Q. How does a woman's immigration status help the batterer?

A. The batterer may threaten to report her to the INS if she is undocumented, or may hide her passport to try to prevent her from leaving.

Q. How can we best work with non-English speaking women?

A. First, avoid using the battered woman's children or other relatives as translators. It may prevent her from disclosing the extent of her abuse and it may pose psychological harm or even physical danger for the family member who becomes involved in this way.

Q. What are some unique barriers battered immigrant women may face?

A. In addition to needing an interpreter, they may have no transportation and may be completely unfamiliar with the local transportation system, if one exists. At least initially, it may be advisable to have someone accompany her to appointments.

Abuser's Power and Control Tactics

Theresa Guerrero, Transitional Program Director at Womenspace in Eugene, emphasizes the isolation which is enforced on Latina women by their abusers. Typically, the abuser doesn't allow her to take English lessons or to make any friends. She is not allowed to go to any kind of support

group which may exist for Latina women unless the gathering has something to do with the family or with children. Because she doesn't know English, if she starts working she is unable to open a checking account and manage her own money. Speaking no English, she is unable to answer her phone and may not even know her phone number. Because of limited English, she may not know where to call and ask for someone who could speak to her in Spanish over the phone. In many cases she would not be able to dial 911 in an emergency. Sometimes, when officers are sent to a home where there is domestic violence, they don't bring anyone who speaks Spanish. The woman is further isolated and controlled because the abuser is free to tell police that his wife is "overreacting" or has just had a baby and isn't feeling too well.

Reflections on Violence

The following three poems resulted from a writing assignment to create separate poems on the same subject but from different perspectives. The author, Dee Honse, 16, a student at Beaverton High School, chose the subject of domestic violence. Although she brought her insight, observations, and understanding to the writing assignment, she wishes us to know that her work was not based on personally experiencing violence.



I never saw

The blinds were always drawn

The door was always closed.

Just because I couldn't see,

Didn't mean I couldn't hear.

The constant fighting,

The little girl crying.

I felt like an outsider,

Unable to do anything.

Another face in the crowd.

What could I do but wait

And hope that she left him.

Leaving him not only for her sake but, for her

Little girl's sake too.

She owed it to herself,

To be free from fear,

To be free from pain,

To be free from him.



REMIND ME AGAIN

Remind me again, why I did this.

I could've taken the easy way

Out but no, I chose

To stay with him.

Remind me again, why I stayed

With a man whose constant

Abuse left its mark

On me daily.

Remind me again, how it

Feels to be free from

Fear

To be free from

Pain.

To be free from

Him.

Remind me again, what I first

Saw in him,

His smile, his gaze, his hands.

Now, as I look at my little girl, sleeping

With his abuse marks still seen

On her, I am

Reminded of why

I finally left him for good.



I KNOW NOW

I see now why mommy left him

She doesn't know, but I can

Feel her watching me.

I see now, the pain in her eyes

When she looks

Out the window.

I don't see how she could've

Loved him.

I only saw the bruises and

Blood

When he beat her.

I didn't need to see more

Than that.

I see now that mommy is

Stronger.

I know now that we will Survive.



Response from our last newsletter

Tonya Valadez is the Schools Program Coordinator from Womenspace Domestic Violence Services of Eugene. She has generously passed along to us some helpful wisdom which she found in [Helping Teens Stop Violence](#) by Allan Creighton and Paul Kivel.

Teen girls are as likely to be in violent relationships as are adult women. An estimated 25% of teen girls are in violent relationships before they graduate from high school. About 60% of all battered women say the battering started in high school and never ended. Because teens have fewer legal options than adults they must rely on the awareness and sensitivity of the adults in their lives to protect them. Unfortunately, teens are reluctant to seek out or accept help from adults. It is most important that we, as adults, pass accurate information on to teens so that they can help each other and themselves. It's important for all teens to have the skills to support friends who are in violent relationships. It's important that they pass those skills on to the teens around them. What is important when supporting friends who are being abused?

- if you say nothing else, the most important thing to say is "It's not your fault. You don't deserve it."
- continue to let them know that you don't think the violence is okay.
- listen to them.
- give them information about resources.
- never agree with them that the abuse is their fault or that there is something they can do to stop it (never victim blame).
- never ask them why they don't leave and never tell them what to do or force them to do what you think is right. (Someone else is already controlling their life. They need us to empower them to make their own decisions).

How can we talk to teens about healthy relationships without turning them off entirely? Ask them what tactics they would use if they were trying to gain and maintain **EQUALITY** in a relationship. Hopefully they answer with things like: respect, communication, outside interests encouraged, responsibility, support, non-violence, affection, attention, etc. Remind them that many of the skills it takes to have a healthy relationship are acquired and are not things that all of us do automatically. Give them resources or training so that they can improve those skills

New AFS Program for DV Survivors

Beginning July 1, 1999 a new program is available to meet the needs of domestic violence survivors and their children. Those eligible are the persons who prior to July 1 would have qualified for Emergency Assistance because of domestic violence. The new Temporary Assistance for Domestic Violence Survivors (TA-DVS) Program may be opened for 90 days instead of 30. Participants may receive services more than once a year based upon safety. Payment limits per incidence continue at \$1,200 but now may include payments related to setting up a household and increasing the family's safety, and payments to replace personal items that had to be left behind when fleeing abuse.
