

**IMMIGRANT WOMEN  
AND DOMESTIC VIOLENCE**  
*Common Experiences in Different Countries*

CECILIA MENJÍVAR  
OLIVIA SALCIDO  
Arizona State University

*In this article, the authors assess the still limited literature on domestic violence among immigrant women in major receiving countries so as to begin delineating a framework to explain how immigrant-specific factors exacerbate the already vulnerable position—as dictated by class, gender, and race—of immigrant women in domestic violence situations. First, a review of this scholarship shows that the incidence of domestic violence is not higher than it is in the native population but rather that the experiences of immigrant women in domestic violence situations are often exacerbated by their specific position as immigrants, such as limited host-language skills, isolation from and contact with family and community, lack of access to dignified jobs, uncertain legal statuses, and experiences with authorities in their origin countries. The authors then examine the various responses at the national and local community levels to this issue in receiving countries.*

A considerable amount of research has been done on domestic violence in recent years. However, research on issues concerning domestic violence in immigrant communities remains limited (see Avni 1991; Dobash and Dobash 1979; Dobash et al. 1992).<sup>1</sup> Research on immigrant women in general also is extensive. For instance, Zlotnik (1995) has detailed the increasing number of women migrating worldwide, while Donato (1992) has examined the increasing numbers of women migrating specifically to the United States. Others have focused on the consequences of immigrant women's labor force participation for their households (Benson 1994; Kibria 1994; Menjívar 1999) and for immigrant communities

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REPRINT REQUESTS: *Cecilia Menjívar, School of Justice Studies, Arizona State University, Tempe, AZ, 85287-0403; e-mail: menjivar@asu.edu.*

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(Hondagneu-Sotelo 1994; Menjívar 2000). However, the link between immigration and domestic violence has only begun to emerge (cf. Bui and Morash 1999 on Vietnamese in the United States; Mama 1993a, 1993b on Caribbean, Asian, and Black women in Great Britain).

It is estimated that violence occurs in one quarter of all marriages. According to Easteal (1994) and Goldman (1999), statistical evidence pertaining to the number of immigrant women who experience domestic violence in receiving countries, like the United States and Australia, is unavailable. Large surveys that might shed light on the experiences of Latina immigrants in the United States, for instance—including those using redesigned instruments (e.g., the 1995 National Crime Victimization Survey)—remain inconclusive (Bachman and Saltzman 1995). Latinas are usually grouped into a Hispanic category, regardless of citizenship or legal status, and measurements have not accounted for noncitizen women who experience violence. This dearth of data and research could translate into policies that neglect the situation of immigrant women in domestic violence situations. For instance, the National Advisory Council on Violence Against Women (n.d.) (chaired by the U.S. Department of Justice and the Department of Health and Human Services) recently launched the Toolkit to End Violence Against Women (<http://toolkit.ncjrs.org>). Its efforts focus on immigrants only once, even though there are 16 chapters dedicated to various other groups (e.g., Native Americans, the military, etc.) in efforts to involve them in prevention and better victim services.

Thus, an assessment of the scholarship on domestic violence among immigrant women is necessary because it sets the stage for framing important theoretical questions, as well as informing policy. Although existing research on this subject matter is still limited in scope and relatively new, there have been recent calls to attend to this issue. One major effort was made at the United Nations Fourth World Conference on Women held in September 1995 in Beijing, which recognized violence against women as a violation of human rights, as set forth by the *Declaration on the Elimination of Violence against Women*.

Our assessment begins with a review of relevant studies to identify immigrant-specific factors present in cases of domestic violence in different contexts across varying groups. We seek to identify common experiences among immigrant women in the major receiving countries, where research on this issue has been conducted more systematically, which will set the stage for theorizing in this still-developing area. We do not make unqualified assertions that the factors we discuss will always lead to domestic violence among immigrants or that they are present in all situations. Like Abraham (2000), in her study of South Asian women in the United States, we seek to delineate a framework explaining how immigrant-specific factors exacerbate the already vulnerable position—as dictated by class, gender, and race—of immigrant women in domestic violence situations. However, rather than focusing on one group, we examine this situation among several groups in the major countries receiving immigrants, so as to abstract from the different case studies and then begin to theorize and perhaps to set the foundations for a redefinition of domestic violence that would account for immigrants' experiences. We find

that what is missing in prior research, and which is necessary to begin theorizing, is a sustained examination of different experiences based on comparative reasoning. Instead of simply adding factors that affect immigrant women, such an examination might lead to a restructuring of domestic violence frameworks in light of the experiences of immigrant women, whose presence is increasing in many countries around the world.

Patriarchal ideologies are general and may even be universal, but their local expression varies according to the social positions of the immigrants and historical specificities of their migration (Menjívar 1999). As Kandiyoti (1988) pointed out, there are different forms of patriarchy, and women bargain within specific sets of constraints in different sociocultural contexts. Thus, pinpointing the commonalities in immigrant women's experiences with domestic violence allows for theorizing about the conditioning factors that shape these experiences and what strategies women use. Our intent is not to undermine the heterogeneity of immigrant women across different cultures, even though the discussion will be centered on commonalities. Thus, we recognize important individual characteristics of the immigrant groups and the context where they arrive that will qualify broad generalizations. Also, this examination is not a purely theoretical exercise, because learning more about domestic violence situations (irrespective of context or culture) can inform policy. In this light, we also include the receiving states' and local nonprofit organizations' responses to domestic violence experienced by immigrant women.

Through the examination of case studies reported in the literature, we seek to identify those immigrant-specific factors that make the experiences of immigrant women in domestic violence situations unique to the rest of the population in the host country and, in some cases, unique to the individual immigrant group. In doing so, we are cognizant that women's experiences interact in powerful ways with broader factors in the receiving contexts, such as immigration laws and domestic violence policies, the immigrant group's own sociocultural makeup, resources they can count on as a group, and the individual woman's social class. Such interactions undoubtedly generate a multiplicity of outcomes. Thus, our examination underscores women's experiences in domestic violence as intimately linked to broader structural forces—political, economic, social—for these create multiple layers of oppression and hierarchies within which immigrant women's lives are enacted.

We recognize the existence of same-sex relationships among immigrant women and men, which add to the complexity of issues of domestic violence and immigration. However, in this article, we limit our discussion to heterosexual relationships for, in the already limited literature on domestic violence among immigrants, these relationships have attracted by far the most attention. We are also mindful that there are men in domestic violence situations, but we are focusing on women's experiences because these represent the majority. For instance, in the United States, up to 95 percent of all domestic violence cases between adults are of violence against women (Goldman 1999, 387). And according to Campbell, even when there is physical aggression against men, women's injuries tend to be more severe due to the disparity in height and weight between the two (1993, 103). We are also limiting

our discussion to women in permanent settlement situations in industrialized countries. We will not discuss women in refugee camps around the world—whose situation is of grave concern—because other parameters apply there. In addition, their conditions are often different from those affecting regular or permanently settled immigrant women, particularly those who migrate to industrialized countries. However, when appropriate, that is, when refugee women's experiences align with those of regular immigrant women, we will refer to the refugee women's experiences as well. In this regard, we would like to note the extensive and important literature on domestic violence, as well as rights, health care, work, and so forth among refugee women in camps around the world (Colson 1995; Forbes Martin 1992; Research Resource Division for Refugees 1997). Finally, we are limiting our examination to major immigrant-receiving countries, mainly industrialized ones, so as to lend consistency to our comparisons, and because that is where most of the published research has been conducted.

#### COMMON EXPERIENCES IN DOMESTIC VIOLENCE AMONG IMMIGRANT WOMEN

Studies of domestic violence have demonstrated that despite differences in language, religion, and custom, physical assaults on women occur at all social and economic levels.<sup>2</sup> But there has been a common tendency to stereotype domestic violence in some ethnic groups as an inherent part of their cultural repertoire. Nelson (1996) observed that the stigma of domestic violence and the fact that it usually occurs in the home makes accurate information on the magnitude of this problem scarce. Some studies have reported high rates of physical abuse among groups of women, reaching 60 percent or more in select populations in Latin America, Asia, and Africa. This information often reinforces the notion that gender-based abuse does not need the state's intervention because it is part of a group's culture and it takes place in the private realm. As Kofman et al. (2000, 101) observed, "The case of domestic violence exemplifies the tolerance of practices in the private sphere on grounds of nonintervention in the customs of others." Ferraro (1989) found that police officers viewed arrests in domestic violence situations among immigrants (as well as among other groups such as gays and Native Americans) as a waste of time because violence was supposed to be "a way of life for these people." Furthermore, such notions not only serve to substantiate host governments' perceptions that domestic violence among immigrants is inherently a part of their culture—and thus nothing can be done about it—but also that domestic violence is higher among immigrants because they import it with them.

However, our review of the scholarship shows that the incidence of domestic violence is not higher than it is in the native population but rather that the experiences of immigrant women in domestic violence situations are often exacerbated by their specific position as immigrants, including limited host-language skills, lack of access to dignified jobs, uncertain legal statuses, and experiences in their

home countries, and thus their alternatives to living with their abusers are very limited (Hass, Dutton, and Orloff 2000). These factors are identified in studies of immigrant women and domestic violence to one degree or another, where it is argued that they serve to prevent early intervention and/or reinforce strategies used by the perpetrator for control (Bui and Morash 1999; Garcia 1993; Jang, Lee, and Morello-Frosch 1991; Kantor, Jasinski, and Aldarondo 1994; Mama 1993a, 1993b; Perilla, Bakeman, and Norris 1994). These immigrant-specific conditions are superimposed on other systems of oppression, such as class, race, and ethnicity, to further increase immigrant women's vulnerability to domestic violence.

Some scholars have observed that the incidence of domestic violence among immigrants may be attributed to specific circumstances that can be encapsulated as stressors. For instance, in explaining domestic abuse among Latinas in the United States, Perilla, Bakeman, and Norris (1994) found that, similar to the native U.S. population, stressors stemming from environmental sources (such as work, school, and finances) contributed to the occurrence of abuse among Latinas. These researchers also linked immigrant-specific contributing stressors, such as immigration status, lack of English proficiency, prejudice, and cultural variables, to the occurrence of abuse. Scholars in this tradition would argue that eliminating stressors would contribute to decreasing the incidence of domestic violence. However, other studies that focus on the batterers demonstrate that eliminating stress factors (e.g., alcoholism, drugs, financial problems) does not necessarily end domestic violence (see Ptacek 1988).

Immigrants face multiple challenges when they resettle in a foreign country. A number of factors influence their experience, including the resources they bring to the host country and those they find in the arriving context. These assets include their occupation, education, and, importantly, the social networks that await them in the host country (Menjívar 2000). In this respect, some studies find that immigrant women establish informal networks quite effectively (Hondagneu-Sotelo 1994; Kofman et al. 2000; Menjívar 2000). Others observe that immigrant women arrive with disadvantages in social status and basic human capital resources relative to immigrant men (Bui and Morash 1999) or cannot participate as actively in networks as their male counterparts do (Abraham 2000; Hagan 1998). In the latter instances, men are often the intermediaries between the women and community and state resources. Yet even when women are able to access services on their own, their partners may have a final say as to whether the women may access such resources.

Next, we discuss a few elements that seem present in the experiences of immigrant women in domestic violence situations in the literature we examined. This discussion avoids portraying domestic violence among immigrants as if they are pathologically prone to violence, as immigrants are sometimes depicted. Our purpose here is to present domestic violence in the context of the immigrants' experiences and to refrain from discussing it in a manner that would minimize the seriousness of domestic violence, which imposes great costs on the women (cf. Crenshaw

1995, 341). Although we discuss these factors separately, they exert their influence in unison; very rarely do we find only one of them affecting a particular outcome.

### **Language**

Language is a factor that impedes women from learning and accessing services in receiving communities (Bui and Morash 1999; Garcia 1993; Goldman 1999; Nah 1993). Immigrants already fluent in the language of the host country, because they are well educated or the host and native languages are the same, remain the exception. Nah (1993) observed that the ability (or inability) to speak the host-country language greatly influences the process of resettlement and adaptation into the new culture. Immigrants with limited or no host-country language skills tend to live in communities with coethnics, who cater to their needs in their native language. But according to Merry (2000, 209), social and cultural differences, a lack of understanding of the legal process, and language differences disadvantage recent arrivals. Also, language skills and job opportunities go hand in hand. When lacking host-country language skills, most immigrants—male or female—are only able to find jobs in the lower echelons of the economy (Nah 1993). A professional woman who is not fluent in the host-country language may end up working in a factory or a restaurant, which poses negative consequences for her and her family in the long run as they often stay in those jobs for a long time. And for many immigrant women, language is a barrier in accessing and communicating their needs to community-service providers and in seeking protection from their abusers through the criminal justice system (Bui and Morash 1999; Jang, Lee, and Morello-Frosch 1991).

However, some women, in the absence of host-country language skills, become adept at networking informally in their communities. They manage to access information and services, often independent from their male partners or family members (Menjívar 2000). These women begin to gain “legal consciousness” (Merry 1990, 2000), that is, a realization and greater understanding of their rights as they spend more time in the host country. Nicollet (1998) observed the increased use of French custom and law where domestic violence occurred as women from Mauritania, Mali, Senegal, and Guinea-Bissau spent more time in France. Language can break barriers for immigrant women in domestic violence situations since women’s language proficiency can reduce the batterer’s ability to reinforce his power to control. However, it is important to note that the ability to speak (or learn) the host-country language does not always lead to an improvement for immigrant women in domestic violence situations, as a study conducted among Hindu Asian Indian women in the United States demonstrated (Mehrotra 1999). In fact, it may exacerbate the abusive behavior since male control and orthodox gender roles are contested. That being said, even though the evidence on language is uneven, we find that in general, language skills exert greater influence when combined with other limiting conditions, such as isolation, employment, and legal status.

### Isolation from and Contact with Family and Community

Isolation may occur more easily for immigrant women as many have left behind families and loved ones. They enter a foreign environment where they may not know the language, culture, or physical geographic area and may recognize only a few familiar faces. In these situations, it is easier for men to control women's lives both emotionally and physically. Due to isolation, men are better able to gain sole control over resources that could offer legal, financial, and/or emotional support to the women. And conflicts often arise when women establish links in their communities. For instance, when Guatemalan and Salvadoran women in the United States obtained information on domestic violence and their rights at community organizations, their partners did not welcome such knowledge (Menjívar 1999, 2000).

Many immigrant women suffer from social isolation, and it can have fatal results. In a case of Tamil women in Canada, isolation—compounded with a feeling of powerlessness—led several Asian Indian women to jump from their apartment buildings to their deaths. In this study (Morrison, Guruge, and Snarr 1999, 156), one key informant explained,

Yes, because they have no other way, they have nowhere to go. All they know is they [can jump] off their balcony. And it's very hard to get to them because they don't come out, they don't meet anybody and we don't know that these people exist until they commit suicide.

This case identifies dependency as the culprit working against immigrant women, as the abusive partner gains momentum in power and control after immigration, and women (often) no longer have the support of their sisters, cousins, and friends that they had back home, as a case of Ethiopians in Israel attests (Adelman 1997).<sup>3</sup> Of course, even when immigrant women live close to family members and friends (a situation related to language skills and economic opportunities), orthodox views about marriage and gender roles tend to take over. Such views may encourage the perception of domestic violence as acceptable behavior. For instance, Filipinas in Australia who suffered abuse and violence remained isolated geographically and also were subject to cultural stigmatization in their own community and in the larger society (Ang 1995, 44). Thus, women may be isolated even when surrounded by family, relatives, or extended family members. A Korean immigrant woman in Nah's (1993, 293) study demonstrated this in speaking of her difficulties with her extended family in New York, particularly with her mother-in-law:

I live with my husband's parents and brother. Whatever my husband tells my mother-in-law, all the blame falls on me. They think I make him do it. Once my husband told his mother that he wanted to move out; all my in-laws accused me of inciting my husband.

And abusive or not, sometimes men are more apt to accept a woman's role change than are all other female extended-family members. As a Guatemalan woman in Mexico explained, "Sometimes it is easier to persuade a husband to accept the changed role than to convince his mother or sister" (Garcia 1993, 29). Thus, often, it is other women who uphold orthodox views.

Keeping the above in mind, should a woman decide to leave her abusive husband, her community and extended and immediate family may not be supportive, a situation not dissimilar from that encountered by native groups. However, it becomes more salient among immigrants as the extended family may be the only people they know in their new place of residence. Often, when a woman is involved in an abusive relationship, social service providers expect her to leave her home and ties to receive assistance at a shelter. But if she leaves the abusive partner, she runs the risk of being ostracized by her family because she left and thus could not possibly be a "good wife," and she feels profoundly guilty. These women face the difficulty of challenging traditional gender structures, where they usually hold a lower status, while at the same time trying to make use of the options that have become available to them through social service providers. Other factors may compound this lack of support, as when the abusive partner is the primary source of income for the extended family or when social norms exist that encourage women to sacrifice themselves for the sake of other family members.

Other orthodox views persist in the arena of arranged marriages, even when members of the communities where they are practiced migrate to industrialized countries. Among these groups, women who opt to marry outside of the practice of arranged marriage may find that they gain power in one arena but lose in the area of family support. In such cases, if they become victims of domestic violence, they are likely to be left to fend for themselves (Ang 1995; Mama 1993b). On the other hand, in cases of arranged marriages, the women's families frequently seek to maintain their status and respectability, often at the expense of the individual woman's security and safety.

In a study of Indian, Pakistani, and Korean women in Chicago, battered women confessed their shame over leaving their husbands (Supriya 1996). Immigrant communities may go so far as to deny that there are immigrant women's groups working to end domestic violence so as to avoid facing a problem that might prove embarrassing, as the case of South Asians in the United States attests (Dasgupta 2000). In Britain, the Southall Black Sisters organization has faced the community's hostility for their campaign against domestic violence in Asian families (Kofman et al. 2000, 180). Thus, women in domestic violence situations are well aware of their family's expectations and prefer to pretend that all is well. In the words of one woman, "To my parents I was playing happy families" (Mama 1993b, 105). In addition, Donnelly (1989) observed that among Hmong refugees in the United States, marital conflicts are resolved within the traditional clan structure, and it is acceptable to seek help from the American legal system only if this fails. Pleck (1983) observed that immigrant women fear seeking legal protection in dealing with abuse because



letting the government interfere with what is supposed to be a family affair may undermine the traditional authority in the family. This reinforces the acceptability of domestic violence through the belief that it is a private matter, an idea exacerbated in the case of immigrants when it is reflected in laws that may allow justification for battering (Avni 1991; Bui and Morash 1999; Merry 2000).

The issue of isolation becomes more acute in cases of mail-order brides, a practice created by men in industrialized countries to marry docile and domesticated women from lands where more orthodox gender relations are still the norm. Men expect these women to accept a submissive and subordinate role in marriage. In addition, the bride is often on her own for the first time, in a foreign land where her support base is nonexistent, which increases her vulnerability and isolation. Many have documented situations where men have used the woman's immigrant condition to reinforce their control and abusive strategies (Erez 2000; Jang, Lee, and Morello-Frosch 1991; Mama 1993a, 1993b; Nayaran 1995). The number of studies concerning domestic violence among mail-ordered brides is limited, perhaps due to very low levels of reporting, and the few studies that do exist differ dramatically in the rates reported, ranging from 12 to 50 percent. According to one study, this rate is as high as 77 percent (Nayaran 1995, 106). In Australia, Filipina women married to Australian men acknowledged their isolation and marginalization during times of discord or relationship breaks (Ang 1995, 44).<sup>4</sup> In another study conducted in Australia, Easta (1996) observed that victims and abusers are usually from the same ethnic group, with Asian women who have been sponsored for immigration by non-Asian partners as the exception. Australia's Filipino community's prejudice and stigmatization of mail-order brides compounds the limited assistance that native Australians and the legal system offer to these women. Woelz-Stirling, Kelaher, and Manderson (1998) observed that social disapproval and/or stereotyping of Filipina-Australian marriages (and the shame that women in these marriages often experience) has led to underreporting of emotional and physical abuse. Ang (1995, 43) quoted a Filipina referring to mail-order brides as saying, "I know a lot of Filipinas married to Caucasians . . . and all are professional and decent." Later, Ang mentioned that the very necessity of this qualifier indicated the negative associations with mail-order brides.

### **Changes in Economic Status**

The scholarship that documents immigrant women's entry into paid employment in the destination country is extensive. In assessing the effects of women's labor force participation, some studies observe that employment can increase women's bargaining power and control over resources. In turn, this can be the basis for more personal freedom and egalitarian relationships within the home (Benería and Roldán 1987; Safa 1995). Other studies demonstrate that participation in the labor force does not always translate into increased status for women or, for that matter, a decrease in domestic violence (Bui and Morash 1999; Menjívar 1999). If the man's authority is reduced as a result of the woman's increased economic status,

conflict could occur (Kibria 1994; Kudat 1982; Menjívar 1999). A Korean woman in Nah's study explained,

I make more money than he does, and he is irascible these days. The other day I argued strongly back against his remarks. He blew up. . . . I now try to say I don't know and seek his opinion. [Another woman observed,] After long hours of work, I am too exhausted. My husband is selfish. Sitting on the couch, he orders me to do everything for him. (1993, 292)

In a study of Asian Indian women in the United States, Mehrotra (1999, 628) observed that the abusive behavior continues and also undermines the potential economic gains of immigrant working women. Mona, a study participant, explained,

During my marriage the worst days were the days I would bring in the pay stub. I was getting yelled at so much. I would take my pay stub, go to my bedroom closet, close the closet and sit there and cry for two hours, three hours.

Mona's husband had established an account in which his access allowed him to monitor every expense, thus controlling her activities, including any attempts to access money, or for that matter, community resources.

In addition, immigrant women are usually required to work a double (even a triple) shift, contributing to reproductive tasks in the home as well as productive ones in the labor market, all the while making efforts to keep orthodox gender relations at home intact. For instance, Turkish women in Germany often made superhuman efforts to participate in both areas so as to not upset the delicate balance of power at home (Kudat 1982, 298). Many entered the labor force for the first time in Germany, and notably, many of these women migrated alone and were later followed by their husbands. In cases where women migrated with their husbands or were soon reunited with them, "[women were] not freed from kin controls to the same extent as women who had migrated alone" (Kudat 1982, 297). Similarly, Nora, a Guatemalan immigrant in Los Angeles (Menjívar 1999), had to do all the household chores even though she was the sole breadwinner so as not to make her unemployed husband feel any loss of power.

Sometimes, the new financial power a woman feels can lead her to seek alternatives to the expected strict submission to her husband's authority (Kudat 1982). This newfound independence can also jump-start demands concerning money decisions and investments. Taken a step further, a woman may even boycott decisions made back home by refusing to remit her earnings. The authority of the husband is further threatened when he remains at home or his job is temporary and/or unstable (Menjívar 1999) because immigrant women often are able to find jobs more easily than men, especially work in domestic services or caring for children and the elderly. Thus, conflict—rather than equality—may be the result of a woman's greater independence and may lead to an increase in the rate of separation or divorce (and violence).

Should a woman decide to abandon her partner and go back to her country, there may not be any jobs for her there. At best, there will be very low-paying jobs in precarious environments where the women may find themselves stigmatized, affecting their chances of earning a decent living. For example, when the Turkish women mentioned earlier decided to return home, they could not re-create the changes in their roles they had gained abroad. Once again, they had to conform to traditional norms (i.e., not to work outside the home if it could be avoided) or return to the same social class from which they originated (Kudat 1982). It might not be a surprise then that generally, immigrant men are more inclined to return home than are the women. Many women experience tension on their return. While pressure swells to uphold their society's relatively more orthodox gender roles, economic conditions demand deviation from such culturally acceptable norms of behavior. Women who decide to stay in the receiving country after separation or divorce usually increase their prospects of becoming the head of the household and thus are likely to remain in the lower echelons of society. Thus, paid work does not lead to an advantage in domestic violence situations, because immigrant women's employment does not occur in isolation from sociocultural and gender ideologies and the structural constraints in the contexts where they live.

#### Legal Status

Theoretically gender-neutral, immigration laws affect men and women dissimilarly. For instance, Simons (1999) observed that foreign women who marry American men generally are more vulnerable than are foreign men who marry American women. Although immigrant women are already susceptible to battering, an irregular legal status compounds their vulnerability and isolation, as MacLeod and Shin (1990) demonstrated in a study of battered refugee women in Canada. Often, immigrant women fear contact with authorities in the destination country and underutilize or avoid the criminal justice system altogether (Erez 2000; Menjivar and Bejarano n.d.). Thus, they may be more reluctant to seek help or report abuse.

Immigrant women can be in vulnerable situations because the legality of their stay in the receiving country often is linked to their spouses (Bechtold and Dziewiecka-Bokun 1999). Family reunification laws, such as those in the United States and Europe, tend to make immigrant women rely on their partners as their sponsors for obtaining legal status (Kofman et al. 2000). Failure to report abuse stems from either fear of their spouse's finding out or procedures that state agencies, such as the U.S. Immigration and Naturalization Services, launch. For instance, about 300 men per year are deported as abusers after being reported, but their wives are deported with them as well (*Washington Post* cited in New rules 2001) because they have been claimed as dependants on their husband's applications (either for refugee status or regular admissions). In these cases, an abusive husband can use his wife's legal status as a form of blackmail, and the wife will avoid filing criminal charges against her husband because her own legal status will be jeopardized.<sup>5</sup>

In Europe and the United States, as well as in other receiving countries, immigration laws often require that couples remain married for a certain number of years for the union to be legally recognized. This requirement, along with others, is to show that the marriage is real and not a fictitious one created only to obtain legal status. But these requirements often translate into hurdles for immigrant women in situations involving domestic violence. If they are still awaiting their legal status (and must remain married the required number of years) and choose to leave their husbands because of abuse, they may never obtain legal status. In a study of domestic violence among immigrant women in Phoenix, Arizona, Salcido (2000) found that even when women seek social services assistance, their legal status makes it difficult to obtain help. Lorena, a 24-year-old Mexican immigrant, remained in an abusive marriage for five years. Her husband threatened her with taking away their three-year-old daughter and with deportation. He had permanent legal status, but she did not, and on several occasions he threatened to end the petition process for her legal residency. After she endured his abuse for several years, her husband took their three-year-old daughter with him to Los Angeles, and it was not until later that she found out he had filed for divorce. His abandonment initiated a long fight for her to regain custody of her daughter. She won the custody battle, but proof of her husband's abusive behavior in court to obtain her legal residency is still pending.

Lorena's doubts concerning the legal system are well founded. In the beginning, it was difficult for her to obtain help from community-based organizations to leave the abusive relationship. She was told by two different agencies specializing in domestic violence that they could not help her because she was not a legal resident. Lorena also had negative experiences in locating good legal representation:

I didn't know where to go for help, so I went to a lawyer that does a lot of publicity in the community. He said he would take my case, but then he told me he only handled [auto] accident cases and he passed me on to another lawyer. I told this last lawyer all the problems that I had with my husband; how he had been abusive, but he never did anything with this information. I later found out that his license as a lawyer had been suspended and that this was why another lawyer who knew nothing about my case would show up during the hearings in court. (Salcido 2000, 29)

Even women who have lived in the United States longer and know that the legal system can protect them cannot always avail themselves of such assistance. Lorena stated,

I'm not sure that I can prove that he [her husband] was abusive because I don't have any police records. I never called the police. My lawyer told me to write up a letter with dates and what happened in detail. But I'm not sure that this will work. (Salcido 2000, 29)

Lorena may be right. Studies indicate that court authorities favor primary evidence (i.e., police or medical records) over a victim's written account of the abuse (Goldman 1999). Thus, although Lorena could have qualified to self-petition under

new regulations that allow women in domestic violence situations to do so (because she was married for more than three years), her case may be denied due to a lack of documents validating her account of the abuse.

Sara, another Phoenix woman described in Salcido's (2000, 22) study, was undocumented and was staying at a shelter. Odds were against her, but she seemed determined to change her current situation. Although she had a higher educational level than most women at the shelter, she was not sure it would make a difference in her income because of her undocumented status. In Sara's words, "My resources here are very limited because none of us [her children and herself] were born in the United States." Like many other women, Sara's possibility of gaining legal status in the United States remained slim. However, she kept optimistic: "Here I am lucky to have a job, I plan to take ESL classes and may even take the GED, and my children can later go on to school. I was very fortunate to have gotten in here [the shelter]."

In sum, when both women and men are undocumented, the women fear the security of their entire families will be at risk if they call attention to themselves (Crenshaw 1995). Under these circumstances, many women are reluctant to leave even the most abusive of partners. This situation becomes acute among refugee women because, as Morrison, Guruge, and Snarr (1999) pointed out, a husband who has sponsored his wife from a war-torn country holds untold power over that woman. Crenshaw (1995, 335) observed that these are the tragic consequences of the double subordination of immigrant (and refugee) women.

### **The Home Country as a Frame of Reference**

In evaluating their situation, immigrants frame their current experiences using their home countries as a point of reference and assess their present situation in relation to what they left behind (Erez 2000; Menjívar 1999; Menjívar and Bejarano n.d.). Often, women arrive from countries where domestic violence simply is not reported because of a lack of legal protection or cultural prescriptions that prevent women from reporting violence. Resources for women in these situations are few and far between, leaving them to infer, initially, that the same applies in the destination countries. A Salvadoran woman in Phoenix, Arizona, laughed when asked if she ever thought of calling the police back home in the case of domestic violence (Menjívar and Bejarano n.d., 19). In her words,

The police? Who would think of calling the police back there [in El Salvador]? If you called them they'd think it's a prank and they won't even bother coming! No one does that. Everyone will laugh if a woman calls for help if her husband is beating her.

A Salvadoran woman in San Francisco (Menjívar 2000, 170) echoed this response and also laughed when asked the same question, later adding, "As a woman, one has rights in this country." This perception was reinforced by the view of Marcos, a Guatemalan man (Menjívar and Bejarano n.d., 19) who said, "No,

there's no way the police [in Guatemala] will come if a woman calls them. That [calling the police] wouldn't happen anyway, but I've heard it's different here." Whereas calling the police to intervene in a domestic violence case back home would seem ludicrous to these immigrants, the fact that women can do so in the United States—and get a response—does affect their perceptions of U.S. authorities.<sup>6</sup> But their experiences with authorities back home still linger in their minds, at least initially.

Therefore, immigrant women, and immigrants in general, tend to rely on this dual vision to assess their current situation, but as time elapses, they find that authorities pay relatively more attention to cases of domestic violence in the receiving countries (e.g., the United States, Canada, Australia, and Western Europe). Although this is not always the case, it nonetheless makes them feel a bit more secure and can make their partners think twice about what they do. For instance, Menjívar and Bejarano (n.d.) found that several Central American and Mexican women in Phoenix, Arizona, felt that if they ever needed to call the police for a domestic altercation, the police would be responsive, which made them feel "more secure." And in a study of Salvadorans in San Francisco (Menjívar 2000, 266), men agreed that as women become more informed about their rights in the host country, the men tend to think twice about "misbehaving at home." Thus, eventually, immigrant women learn about their new rights and about police protection in the destination country. This has had an impact on reporting domestic violence to local authorities, but it does not imply that immigrants' claims always will be treated fairly in the criminal justice systems of receiving countries (Menjívar and Bejarano n.d.).

### RESPONSES IN THE HOST COUNTRIES

Until this point, we have focused on elements that we found present—with qualifications—in domestic violence situations across different groups in varying contexts. We now turn to various responses of the receiving countries, both at the national and at the local levels, to the issue of immigrant women and domestic violence.

This issue should be of interest to the receiving countries, as their foreign-born populations have greatly increased in the past two decades. Four out of every 10 Australians is an immigrant or first-generation child of immigrants, and half of them are from non-English-speaking backgrounds. About 70 percent of Australia's arrivals came from non-English-speaking countries in 1994 to 1995 (see the Australian Commerce and Industry Office Web site: <http://www.Australia.org.tw>). The Center for Immigration Studies indicates that 28.4 million immigrants live in the United States. As a percentage of the population, immigrants now account for 1 in every 10 residents, the highest percentage in 70 years (Camarota 2001), but still lower than the all-time high of 16 percent at the turn of the twentieth century. We turn first to governmental and then to nongovernmental responses.

### Government-Level Legal Responses

There have been several types of government-level response to domestic violence among immigrants. In Canada, Australia, New Zealand, and Britain, efforts have been made to provide greater protection to battered women who file gender-based claims for asylum. The enactment of the Violence Against Women Act in the United States in 1994 was the first step by the U.S. Congress to protect immigrant women whose batterers took advantage of the women's undocumented status. Initially, this act stipulated that a woman in a domestic violence situation could obtain legal residence if she (1) entered her marriage in good faith, (2) resides in the United States, (3) was the victim of battery or extreme cruelty during her marriage, (4) would suffer extreme hardship if deported, (5) is a person of good moral character, and (6) lived in the United States with her citizen or legal permanent resident spouse (Goldman 1999, 381). The act was modified in 2000 to (1) allow women who are victims of domestic violence and are undocumented to self-petition and file for cancellation of deportation while their case is pending, (2) no longer require applicants to show proof of extreme hardship, and (3) include abuse inflicted outside of the United States.

Although this act signifies a victory for support groups of victims of domestic abuse, it is still relatively unknown, and there have been several problems with its implementation. Goldman (1999) noted that the courts have been ambiguous in determining what constitutes abuse and the process remains rigid and bureaucratic. Sometimes, it is the very involvement of the police and the law that may keep an immigrant woman in an abusive relationship. For instance, the law mandates that the husband and wife be arrested if they have a physical confrontation at the time the police arrive, even if the wife's actions were in self-defense. Second, she may also qualify, but not be allowed under the law, to accept government cash assistance because this may jeopardize her chances of obtaining legal residence. Arrest and/or government cash assistance could make it difficult to prove good moral character (another requirement for legal residence), since an immigration officer may view these as blemishes on a person's record. Coutin (2000, 189) also pointed out that women must be in a legal relationship to be able to apply for permanent residence under the act. Many women who are not legally married may stay in abusive situations in the hope that one day, their partners will marry them and then petition immigration for them. Critics of the act (mostly anti-immigrant groups) argue that this is an attempt to expand the definition of asylum, which will allow too many to enter (or stay) legally.

In addition to the Violence Against Women Act, on 7 December 2000, the U.S. Department of Justice and the U.S. Immigration and Naturalization Services put forward a proposal that would enable victims of domestic violence to be considered members of a special social group to apply for asylum. Together with political opinion, nationality, race, and religion, it is one of five protected categories in immigration law. The proposal would recognize women as capable of facing persecution because of their gender and make it easier for those who have been victims of

domestic violence to gain asylum. This category has been extended to include gays and lesbians and women facing genital mutilation. But what the law says about claims based on gender is complex and contradictory (Einolf 2001, 10). For instance, the asylum petition of Roni Alvarado Peña, a Guatemalan woman who had been severely beaten, raped, and threatened with death by her husband, was denied because the Board of Immigration Appeals (an administrative court charged with interpreting immigration law) found that her case did not fit any of the five protected grounds for asylum. However, a Moroccan woman who requested asylum because her father, a conservative Muslim, abused her was approved because the Board of Immigration Appeals ruled that she had been persecuted on the basis of religion (Einolf 2001, 232-33). These cases demonstrate how legislative changes can benefit some women but not others because their potential benefit depends on their interpretation.

Ang (1995, 45) argued that despite the higher risk of domestic violence in the Filipino community in Australia—5.6 percent higher than any other group in Australia including other ethnic minorities—the Australian government has yet to respond to the problem through legislation. The author claimed that legislation has either remained insensitive or detrimental to Filipinas, requiring proof of violent treatment before a case can be considered before the law. The Australian and the Philippine governments have jointly addressed some of these issues, such as a 1990 ban on mail-order brides from the Philippines, and have stipulated that Filipinas requesting permanent residence in Australia attend a mandatory orientation program by the Commission on Filipinos Overseas. The Australian Department of Immigration and Multicultural Affairs will not accept an applicant who has not attended the mandated counseling sessions (Woelz-Stirling, Kelaher, and Manderson 1998, 298). As of 1991, government regulations were altered for women applying for permanent residency, who must prove that their marriage is real (not only to gain permanent legal status).

If the woman is not married and separates before marriage, she will be required to leave Australia. However, in cases where the woman can provide evidence demonstrating that the termination of the relationship was due to domestic violence or that she has custody or joint custody of a child, residency may be granted. Although the Australian government provides limited English classes for all new immigrants, and women participate in an orientation program, they are not informed of available health services, social security entitlements, legal rights, or networks with other Filipinas living in Australia. Some of these women live in isolated areas such as Queensland, where services are restricted (e.g., lack of adequate emergency shelters). Also among these women, immigration laws can contribute to a belief that leaving an abusive relationship may jeopardize their immigration status (Woelz-Stirling, Kelaher, and Manderson 1998, 290). History reveals that racism and sexism are entrenched in immigration laws of the receiving countries. For example, U.S. immigration laws and policies have focused on keeping out the “illegals” instead of focusing on potential future citizens (see Chavez 1992).



### Local Responses

Local-level responses include police intervention programs and nonprofit organizations that provide services that specifically target domestic violence among immigrant women. The Southall Black Sisters in Britain, composed of immigrant women, has been at the forefront of campaigning against domestic violence in Asian families and provides an example of these local-level organizations. There are several groups that provide shelter to women who are victims of domestic violence, but few do so for immigrants. In some cases, outreach efforts do not consider culturally appropriate ways of transmitting information, such as informal networks, and use mainstream forms of advertising for their services, such as newspapers. An informant in Salcido's (2000) study said that alternative forms of distributing information could be supermarkets, local Spanish radio stations, or simply word of mouth.

Regardless of the method used to transmit information about assistance, often, there is resistance by the immigrant community to those who attempt to provide support services to abused women (Crenshaw 1995, 341), mostly in fear about the "image" of the community (see South Asian cases described by Abraham 2000 and Dasgupta 2000). The reality is that in certain areas, such as Phoenix and other newer destination points, agencies providing services for the immigrant population have limited housing and staff resources, which greatly impedes outreach efforts. Furthermore, growing racism and anti-immigrant sentiment in different receiving contexts can pose a dilemma for immigrant women, who often must choose between their rights as women and their loyalties to their ethnic group (Kofman et al. 2000).

Research suggests that local authorities' intervention among immigrants is similar to intervention among native-born women, in the sense that the results vary from useful to damaging (Mama 1993a). Cultural sensitivity and immigrant-language skills among professionals in the community (e.g., the doctors, lawyers, and social workers) affect their ability to communicate in the victim's language (literally and culturally) and to understand domestic violence in a particular group, which shapes their ability to provide adequate information and, if applicable, take legal action. In the case of women who do not speak the language of the destination country, vulnerability, alienation, and ridicule reach higher levels. And if interpreters are used, the information given to a police officer may be filtered and distorted by an interpreter who may even favor the aggressor.

In addition, the language and framing that practitioners use to handle domestic violence cases is crucial. In a thorough review of research conducted in social work, psychology, psychiatry, and other helping professions working with batterers, Ptacek (1988, 54) found that the same language was being used by both the batterers and the social service providers. The discourse used to describe the batterers' actions justified, excused, and rationalized his actions as a loss of control that overpowered him and somehow was outside the realm of choice, portraying the batterer as temporarily insane.

A different problem occurs when police intervention increases the violence and exacerbates the women's vulnerability and alienation (Mama 1993a). This contradictory outcome of police intervention is similar to past studies of the efficiency of police intervention in domestic violence cases in general. Ferraro (1989) noted that even when policies instruct police to arrest, officers will rely on the victim's and the offender's characteristics to determine whether to arrest, a decision that also will be informed by legal, ideological, practical, and political considerations. For instance, Ferraro found that officers are less likely to make an arrest at the end of their shift since it takes at least an hour to process an arrest and officers receive no explicit incentives for complying with the policy and no penalties for evasion. Race, legality, and language further inform an officer's actions. Thus, as is the case in domestic violence generally, such attitudes on the part of authorities have deterred immigrant women from seeking formal interventions.

#### **CONCLUDING REMARKS: RECOMMENDATIONS FOR FUTURE RESEARCH AND POLICY**

We have identified common elements present in the domestic violence experiences of immigrant women that are unique to their situation—language barriers, isolation, immigration-induced economic changes, legal status, and a cross-national comparative frame of reference. These factors, however, are not the only ones present in cases of domestic violence among immigrants. Kurz (1998) and O'Campo and Rojas-Smith (1998) observed that welfare reform in the United States has negatively affected the lives of poor women, including immigrant women, in domestic violence situations, and Rhee (1997) noted that a high cultural tolerance of men's heavy alcohol use can contribute to domestic violence. Furthermore, the factors we have identified do not exert their influence alone. Economic hardship can prevent women from leaving an abusive relationship, which is exacerbated when women either do not speak the language or are undocumented and do not know their options because they are isolated.

There have been different responses to domestic violence among immigrants, both at the government and at the local level in receiving communities. Governments have enacted and amended immigration laws that are making it a little easier for immigrant women to find protection. At the local level, immigrants can access services directed to native-born women, but barriers such as language, cultural misunderstandings, and different perceptions in reporting prevent the immigrant women from efficiently using such services. Services that are similar to those provided to native-born women tend not to consider the specificities of immigrants' experiences and sociocultural practices. However, there are social service agencies that specifically assist immigrant women in domestic violence situations, and these tend to be linguistically and culturally appropriate, but there still are very few of them.

Far from exhausting the discussion, we hope our effort here will instigate future research. As we have shown, a focus on immigrant women and domestic violence translates into an engagement with issues of gender, race, class, ethnicity, cultural values and beliefs, language and social skills, and legal status. Our discussion attests not only to the paucity of research in this area but also to the importance of theoretically exposing the parallels and contrasts with native-born women in similar situations. There are several reasons for the lack of prior research on immigrant women and domestic violence. First, there is a perception that domestic violence is an intimate matter, and immigrant women, sometimes culturally not accustomed to discussing private matters with strangers, may not be willing to speak about their experiences. In addition, sociocultural precepts are believed to affect reporting.

Our exploration may have policy relevance as well. For instance, several studies recommended that community-based organizations operated by individuals of the same ethnic group as those receiving the services would work best at meeting the needs of immigrant communities (Nah 1993; Preisser 1999; Rhee 1995). The same researchers point out that mainstream institutions do not acknowledge the value of infusing other cultural models into existing programs that would enhance services to the immigrant community. Such recognition would provide services that are culturally sensitive and cater to the needs of women who would otherwise hesitate to seek formal interventions and also would make use of professional coethnics who are working in low-paid, low-skill jobs.

Therefore, to avoid the continued perpetration of physical, mental, emotional, and/or economic violence against immigrant women and their children, the courts, as well as other community agencies that are part of the formal system, need to recognize that immigrant women in domestic violence situations have needs that differ from those of the mainstream population. Rather than essentializing immigrant women's experiences, these need to be brought into mainstream discussions and policies. Thus, laws, definitions, and channels of information need to be adjusted to recognize the increasing presence of immigrant women. Importantly, studies need to be comprehensive, including the experiences of immigrant women who have entered through the formal system and through extralegal channels. In this way, immigrant women will be informed, in their own language, of community services that will educate them about their rights, empower them, and enable them to improve their immigrant-specific situation so that they can live dignified lives.

## NOTES

1. This study is on domestic violence among immigrant women. By domestic violence we mean physical, psychological, and verbal abuse by an adult man against an adult woman in an intimate, consensual, or legally contracted relationship.

2. See Ferraro and Johnson (1983) for an analysis of how (nonimmigrant) women experience abuse, how they rationalize it, and under what circumstances they leave abusive relationships.

3. Similarly, John Johnson pointed out to us that when people migrate, male control of violent males is also lessened because of the distance involved (personal communication 2001).

4. For instance, in 1982, Rodell estimated that 50 percent of Filipinas were living in the highly isolated area of Northern Queensland, Australia (Woelz-Stirling, Kelaher, and Manderson 1998, 295).

5. It would be erroneous to think that immigrant women do not attempt to improve their situation. For instance, women seeking refuge in Britain urged a local organization to help them maneuver the legal system to deport their abusive husbands (Griffin 1995 and Patel 1999, cited in Kofman et al. 2000).

6. Of course, the U.S. system has its flaws. Ferraro (1989) found that even though Arizona law mandated arrest for men who batter women, an arrest was made in only 18 percent of reported assaults. The comparisons that immigrant women make, therefore, are only relative.

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*Cecilia Menjivar, a sociologist, is an associate professor in the School of Justice Studies at Arizona State University. She has written on immigrant women's work, social networks, gender relations, and family dynamics, focusing primarily on Salvadorans and Guatemalans. She recently completed a comparative qualitative study of women's social networks in Guatemala.*

*Olivia Salcido is a Ph.D. student in the socio/cultural emphasis of the Department of Anthropology at Arizona State University. She conducted fieldwork in Mexico as an M.A. student at the University of Queretaro, Mexico. Her current research focuses on battered Mexican immigrant women, and she is a member of the Women of Color Committee of the Arizona Coalition Against Domestic Violence.*