

Experiences of Immigrant Women Who Self-Petition Under the Violence Against Women Act

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Abstract

Undocumented immigrant women who are abused and living in the United States are isolated in a foreign country, in constant fear of deportation, and feel at the mercy of their spouse to gain legal status. To ensure that immigration law does not trap women in abusive relationships, the Violence Against Women Act (VAWA, 1994) enabled immigrant women to self-petition for legal status. Qualitative research methods were used in this participatory action research to investigate the experiences of Mexican immigrant women filing VAWA self-petitions. Emotional, financial, and logistic barriers in applying are identified, and recommendations for practice research and policy are provided.

Keywords

immigrant, legal aid, participatory action research, partner violence, VAWA

Domestic violence is a major threat to the health and safety of women in the United States. Women are at greater risk of assault, including rape and homicide, by a husband, ex-husband, boyfriend, or ex-boyfriend than they are by an acquaintance or stranger (Tjaden & Thoennes, 2000). Male partner violence is the largest single cause of injury to women

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requiring emergency medical treatment and is responsible for 30% of deaths to women by homicide (Ingram, Yuan, & Koss, 2007). Since the 1970s, the domestic violence field has made major strides in increasing women's safety by advocating for legal protections, expanding emergency social benefits and services, and raising community awareness. However, the economic, physical, and emotional obstacles facing women attempting to leave abusive relationships continue to be daunting. For undocumented immigrant women, these obstacles are exacerbated by insecurity regarding their status in the United States. Immigrant women may be isolated in a foreign country, in constant fear of deportation, and feel at the mercy of their spouse to gain legal status. As a result, immigrant women are at greater risk of partner violence than the general population (Family Violence Prevention Fund, 2007). The purpose of this article is to review current research on the challenges facing immigrant women in abusive relationships, document the experiences of Mexican immigrant women who have applied for legal status under current immigration law, and propose a model for a coordinated community response to meet the needs of this population.

Background

It is only in the past 10 years that research has sought to determine the prevalence of partner violence among immigrant women or to understand how lack of legal status increases risk of victimization. The majority of existing studies focuses on increased risk as a result of the intersection between cultural characteristics of the country of origin and uncertainty related to immigration status. Cultural factors have been described as prioritization of family and community over the individual and emphasis on the role of the woman in maintaining family unity. Other characteristics have been identified as acceptance of spousal violence, traditional and evolving gender roles, and lack of legal protection for victims in the country of origin (Raj & Silverman, 2002). Within this cultural context, immigrant women are exposed to additional personal and systemic issues that increase their risk of victimization. On a personal level, immigrant women experience social isolation both from family members who remain in the home country as well as from mainstream American culture (Bhuyan & Senturia, 2005; Erez & Hartley, 2003; Kasturirangan, Krishnan, & Riger, 2004; Salcido & Adelman, 2004). Financial insecurity is a serious threat due to limited language and work skills that render economic survival a major impediment to independence (Erez & Hartley, 2003; Kasturirangan et al., 2004; Salcido & Adelman, 2004).

Perhaps most intimidating is the manner in which abusers exploit the legal vulnerability of victims by destroying their spouse's immigration papers, threatening to withdraw their petitions for immigration, or threatening to call immigration authorities and have them deported (Orloff & Kaguyutan, 2002; Salcido & Adelman, 2004). In fact, 72% of citizen or legal permanent resident spouses who are abusive do not file immigration petitions for their wives (Dutton, Orloff, & Hass, 2000). The prospect of deportation severely disempowers immigrant women, whose greatest fear is often that of losing children (Erez & Hartley, 2003; Wood, 2004). Immigrant women with children are very likely to have at least one child who is a U.S. born citizen (Passel, 2006), increasing anxiety not only of separation but also that their families will be torn apart because of the mixed status of

family members. For immigrant women who want to return to their home country, having a child who is a U.S. citizen provides an abusive U.S. citizen or legal permanent resident spouse with tremendous leverage. The abuser can get a custody order in the United States making it impossible for a woman to leave with her child or follow her to her home country and kidnap the child back to the United States where the mother cannot easily follow. Fear for their children's welfare creates a greater obstacle to immigrant women seeking help than legal status, language, or money (Kasturirangan et al., 2004).

On a systemic level, there is evidence that the current service delivery system is inadequate in its response to the needs of immigrant women. Many organizations providing domestic violence services have no outreach to the immigrant community, provide services that are inaccessible or not culturally relevant, or in many cases require proof of citizenship or English language as a prerequisite to receiving services (Liang, Goodman, Tummala-Narra, & Weintraub, 2005; Raj & Silverman, 2002). One study found that a majority of immigrant women seeking domestic violence services had a negative experience due to fear, denial of service, or detrimental outcomes (Salcido & Adelman, 2004). Furthermore, immigrant women may not access services because they are unaware of their right to legal protection from abuse or that they are eligible for housing and other benefits (Erez & Hartley, 2003). For these reasons, immigrant women are at greater risk for victimization compared to their American counterparts (Raj & Silverman, 2002).

It was only recently, with the passage of the Violence Against Women Act in 1994 (VAWA, 1994), that lawmakers recognized that immigration law effectively trapped abused immigrant women in violent relationships (Shetty & Kagayutan, 2002). Under the immigrant provisions of VAWA, a battered immigrant was given the opportunity to self-petition for legal status provided that she was married to a U.S. citizen or legal permanent resident, had entered her marriage in good faith, was of good moral character, was a victim of domestic violence, and had evidence that deportation would result in extreme hardship for herself or her family members. Approval of the self-petition is only the first step toward obtaining lawful permanent resident status. An approved self-petitioner is granted deferred action status. To obtain lawful permanent resident status, the self-petitioner also has to file a separate application with different requirements. Some approved self-petitioners must wait up to 8 years before they are even eligible to apply for lawful permanent resident status. VAWA 2000 eliminated the extreme hardship requirement and created special exceptions and waivers for self-petitioners for immigration problems related to the abuser. VAWA 2000 also extended the right for abused immigrant spouses to self-petition for up to 2 years after being divorced or widowed or if their spouse had lost their legal permanent resident status due to battering (Wood, 2004).

Despite protections afforded by this legislation, the VAWA self-petition application process may function as an extension of abuse in which the legal vulnerability of immigrant women is further exploited by the system (Salcido & Adelman, 2004). To understand this issue, it is useful to explore the context in which battered immigrant women consider seeking help (Kasturirangan et al., 2004). Undocumented status is a disempowering reality that prevents an abuse victim from envisioning alternative courses of action, a necessary precursor to ending the violence (Liang et al., 2005). An abused immigrant woman

may not seek help due to perceived risks to their continued presence in the United States (Wood, 2004); it is likely that she has heard stories of other women being deported (Liang et al., 2005). In this environment, the potential consequences of handing over control to the police or other formal services may seem especially costly to an immigrant woman (Liang et al., 2005). Furthermore, few immigrants are knowledgeable about VAWA protections and thus believe that calling the police will lead to their own arrest and deportation (Erez & Hartley, 2003). A woman may believe that engaging the justice system in any way may bring into question her good moral character (Salcido & Adelman, 2004), thus endangering her chances for immigration through her spouse. She may be equally concerned that calling law enforcement will result in her spouse being deported, again endangering her immigration options.

The purpose of this participatory action study was to document the experiences of Mexican immigrant women who filed VAWA self-petitions in two communities on the U.S.-Mexico border. Through a series of indepth interviews, it was possible to further investigate help-seeking behavior within the context of personal and systemic barriers related to their immigration status, with particular attention to the effects of current immigration law. The study has implications for both policy and practice in considering how to assure the safety of this vulnerable population. Results of the study were used in the development of a proposed coordinated community response designed to help immigrant women access the VAWA self-petition process.

Setting

This study took place in two counties adjacent to the U.S-Mexico Border between the states of Arizona and Sonora, Mexico. In this highly militarized environment, it is possible to scrutinize the VAWA self-petition process in what might be described as a worst-case scenario. Within 100-miles of the border, the U.S. Border Patrol has increased jurisdiction to stop and inspect vehicles and to question individuals regarding their legal status, making fear of arrest and deportation a constant reality (Romero & Marwah, 2005; Rubio-Goldsmith, 2002; U.S. Commission on Civil Rights, 2002). Fear and mistrust of the legal system have been heightened by recent Arizona legislation attempting to restrict immigrant access to social services. This has caused many immigrants to fear applying for services regardless of their eligibility and has created confusion and distrust among some service providers regarding provision of services.

Within this climate of fear, there are concerns directly related to the implementation of protocol and policies related to VAWA self-petition. First, the proximity of the border means that there are many more Border Patrol agents than in other parts of the country. As of 2007, there were approximately 11,000 agents patrolling the southwest border, a number that was scheduled to increase by 43% by the end of 2008. This fact, combined with increased jurisdiction, raises the chance that a woman will be detained by an agent. Second, many victims have family members close by in a Mexico border city and may have a history crossing back and forth legally and/or illegally. Complicated immigration histories create issues of eligibility for potential VAWA self-petitioners. Third, abuse victims' fear

of deportation is also an easy weapon for the abuser. Immigrants who are arrested by immigration authorities and who are uninformed of their rights may be deported regardless of their eligibility to file a self-petition. In addition, immigrant communities develop closely knit networks, and it is likely that women have heard horror stories of other women being detained, separated from their children or deported, thus making fear a major barrier to seeking help. Finally, in Arizona there is growing collaboration between the police and immigration officials, contributing to immigrant women's fear of calling the police during incidents of domestic violence (Romero & Marwah, 2005).

Method

This study employed a qualitative inquiry within a participatory action framework (also known as community-based participatory research) in which community members were the driving force in all aspects of the research process including creating research questions, developing research methodology, collecting and analyzing data, and utilizing results for social change and social justice (Israel, 1998). The interviews were conducted as part of a collaborative effort of the Southern Arizona Battered Immigrant Women Project (BIWP), funded through the U.S. Department of Justice, Office on Violence Against Women Rural Domestic Violence Grant to the Arizona Governor's Office. Initiated in 2002, BIWP provided support in the development of six task forces in seven border counties designed to increase the capacity of local providers to identify and meet the needs of the battered immigrant population. Each task force is coordinated by a local victim service agency. Task force membership varies by community, but is generally representative of victim services, legal services, social services, health education, justice, and law enforcement. An academic partner provided technical assistance in local needs assessment and task force development.

The impetus for the interviews came from immigrant women who filed VAWA self-petitions and wanted to share their stories for the benefit of other women. Task force members in one community took this as an opportunity to learn directly from women what role local agencies play in either facilitating or hindering their progress. The task force requested assistance from the academic partner in developing interview protocol and collaboratively developed interview questions, which were centered on five areas: how women found out about the VAWA self-petition process; motivation to self-petition under VAWA; barriers to the process; facilitators to the process; and how the process might be improved. The victim services agencies were responsible for recruiting women to participate in the study from their client base in two border counties. A convenience sample was used of all women who were in some stage of the VAWA self-petitioning process and currently receiving services at the community agencies. Advocates invited women to participate in the study and arranged a time for the interview convenient to the participant at the agency. At the time of the interview, participant consent was obtained using protocol approved by the Human Subjects Internal Review Board of the academic partner.

Focus groups were initially proposed as a research method that would encourage discussion of the self-petition process in a group setting. However, in the first focus group,

discussion between participants revolved in large part around the women's experience of abuse. Out of concern that the group approach could retraumatize participants, the academic partner recommended an interview format in which the interviewer could focus the dialogue on the self-petition experience. Victim advocates were available after each interview to provide the women with emotional support as necessary. Due to concern that tape recordings might increase fears related to confidentiality, the interviewers recorded the information by hand and transcribed it after the interviews. The data were collected and transcribed in Spanish.

Data Analysis and Interpretation

The initial thrust of the project was to provide local task forces with information to improve the service delivery system to battered immigrant women. Initial review of the data revealed that to interpret the participants' words within the complexities surrounding the VAWA self-petitioning process, it was necessary to involve members of the task forces in interpreting the data and providing some context for the women's experiences. Direct involvement in data analysis and interpretation would also hopefully facilitate the translation of research into organizational practice and policy development. Three members from two organizations on the task force representing victims' services and legal aid services joined the analysis team with two academic researchers. To conceal the women's identity, the responses were compiled by question and the order was rearranged within each question. All members of the research team were Spanish speaking and the data were analyzed in Spanish. Data quoted in this article were translated by the first author and checked for accuracy by a Native Spanish speaker on the research team.

The multi-investigator consensus method of qualitative data analysis (Teufel-Shone, Siyuja, Watahomigie, & Irwin, 2006) was used to identify the patterns and themes within the interviewees' statements. This process involved three distinct steps based on Patton's (2002) content analysis for searching text, such as interview and focus group notes, for recurring words, concepts, or ideas. First, each member of the team independently conducted a content analysis and identified emergent patterns or themes. Second, the members convened to share their patterns, identify different interpretations, and reach consensus on themes. Themes were discussed and further defined as a group and, where appropriate, consolidated. Third, the team read through all the responses together and coded the data by the themes identified for that question. In some cases, the team combined two or three questions when it was clear that responses fell into similar categories. As a final process, the academic researchers reviewed all of the data one more time to identify statements within one question that might fit into the theme under a different question. These were also coded based on previously identified themes.

Results

Four women participated in the first focus group. An additional 17 women from two counties participated in the interviews, which varied between 45 and 90 min in length.

Thus a total of 21 women participated, all of whom were of Mexican origin. Responses fell into five general categories related to the VAWA self-petition process: (a) how immigrant women find out about the VAWA self petition; (b) motivation to apply for a VAWA self-petition; (c) barriers and facilitators to completing the self-petition process; (d) recommendations for improving the process; and (e) benefits of an approved VAWA self-petition

How Immigrant Victims of Partner Violence Find out About VAWA Self-Petition

Knowledge of VAWA self-petition tended to come from the network of family or friends who refer abuse victims to services that will not ask about immigration status. The need for confidentiality was explained by one woman in this way:

I found out about this program from a friend of my sister; she also married and got divorced. I wanted to ask for help so that he wouldn't be able to take away my daughter. He threatened me that because he is a citizen and working and I'm not, he could take my child. I came to the (local shelter) and they gave me the telephone to talk to the VAWA office (Legal Aid).

It was notable that very few women went to Legal Aid initially about VAWA. Most often they went in search of divorce or other services and subsequently learned of their eligibility to self-petition. In two cases, health agencies played a crucial role in raising women's awareness. For example,

Well, when I told my boss what was happening to me she told me to go to (a community clinic). The woman there told me that I was experiencing domestic violence. I didn't know it. She sent me to Legal Aid and told me to talk to a paralegal. She told me I needed to leave the house.

Referrals often came not directly from family but from friends of family or neighbors, emphasizing the importance of the informal immigrant network. In one example a woman was referred to Catholic Community Services by a neighbor, which then referred her to Legal Aid. In several cases, women who went for counseling to deal with spousal violence were then referred for immigration legal services. In other cases, women were not directly seeking assistance for domestic violence when they learned about VAWA self-petitions. Women also learned about the VAWA self-petition through services to their children, such as local schools or Head Start programs. Information about the self-petition tended to accumulate over time from a variety of sources.

A sister, some friends told me, well from many places, but it was my sister who told me to go. She also changed her status through VAWA. It was many years ago that I went to a parent meeting at the elementary school and heard about VAWA. This

school helps families a lot, and me, when I didn't have food, when he threw me out of the house. They helped families.

Motivation to File a VAWA Self-Petition

Although filing a self-petition may appear to be an obvious choice for undocumented women, there is a high level of insecurity related to this course of action because it means making contact with legal agencies and eventually filing with immigration authorities. Applicants must face the possibility that their self-petition will be rejected and they will face deportation. The women interviewed often described it as a final resort. Several women were thinking seriously about returning to Mexico before finding out about VAWA self-petition. They were exhausted from the stress of both domestic violence and precarious immigration status compounded by the financial reality of having no car, no money, and no chance to work. A common theme was spousal use of immigration as a form of control, including accusing women of using their marriage to gain legal status. One woman explained that to defend herself from his accusations, "I even tore up the papers." To interviewees, self-petition represented the only avenue for independence. Respondents described the self-petition process as transformative, "after all we have suffered."

In focusing on key motivations to apply for VAWA self-petition, women's responses fell into four categories. The first was as a means to escape the violence that in some cases extended to the children. While divorce may have also been an option, one woman pointed out that with VAWA self-petition she could also obtain legal status for her children without her abuser knowing.

I didn't want to depend on (spouse), I was desperate. He had submitted the papers and when we separated he told me that we would never be immigrated by him. He never knew about VAWA helping the kids. He wanted to get back together, I was really afraid. I told (Legal Aid) I wanted a divorce.

A second, related motivation among the women for filing a VAWA self-petition was to legalize their status so that they could survive economically without their spouses. As one interviewee explained,

I was alone, without a husband, without work, without economic resources, and I couldn't do anything without papers. The advocate told me that there was something I could do.

A third emerging theme was the motivation provided by referrals from first responders, especially for those women who had been aware of VAWA self-petition for a period of time, but had not applied. In one case, a police officer sent a victim to Legal Aid where she found out about VAWA self-petition. In other cases, victim advocates supported women through the application process, assuring them that life would be different once they had legal status. Finally, women cited their children's future as a central motivation—wanting to be able to provide security and stability for them as well as ensure that they not be deported.

Barriers to Completing the VAWA Self-Petition Process

Barriers that women encountered in the self-petition process were extensive and were both emotional and tangible. Barriers fell into three categories: aspects of preparing the self-petition application; worries related to the process; and negative experiences with the system.

The VAWA Self-Petition Application

Six aspects of preparing the VAWA self-petition were difficult for interviewees. The first was having to provide a personal statement of the abuse, a central piece of evidence for the self-petition. Fifteen of the 21 women interviewed described the difficulty of recounting the history of violence and completing a personal statement. Women described preparing their personal statement in the following way:

Relive all this. When you talk about things again that you don't want to talk about. For a time I couldn't do it because of my fear, I was tired because I didn't want to talk about the emotional damage any more. The most difficult thing is remembering how I could have let something like this happen to me.

These emotions were exacerbated when being interviewed by someone who was not sympathetic or who was asking a lot of clarifying questions:

At first they make you write a summary of everything that happened to you. This affected me a lot because I had to repeat the story again and again. They had a lot of questions. The last time was a person who was not well trained in asking these questions, she was really cold and it hurts you. I think everyone who asks these types of questions should be well trained.

While the personal statement was the most difficult emotionally, the insecurity of the process was a second source of emotional distress. Women found it difficult to believe in the process and were troubled by having to wait several months without having security in the outcome. For instance,

Have confidence in something that you can't see. To believe the word of (the advocate), she can't hurry anything, but she tells me, don't worry, you are going to receive your papers.

The third aspect of the VAWA self-petition process that acted as a barrier was that it was confusing although many interviewees admitted that their confusion was intensified by their emotional state. At the time of the interview, many of the women continued to be confused even though legal advocates had explained everything they were doing. Areas of confusion were expressed by one woman as

Knowing whether VAWA is temporary or not. Understanding government benefits and if they are going to damage my chances of getting my papers. I want to know if I can take classes, as well. And if he finds out, can he stop the process?

The fourth aspect of the process that created a barrier to applicants was the amount of evidence required to demonstrate eligibility. Eleven interviewees were overwhelmed by “the evidence that has to be presented—my testimony, photos, marriage license, (and) testimony from other people that saw the abuse.” In some cases, evidence was difficult to obtain, and one woman advised, “When I know someone else in this situation, I am going to tell them that before they leave their house they better get all their papers together.”

Fifth, the length of time a self-petitioner has to wait for employment authorization created financial hardship. This was especially true for those who had to wait for approval of their self-petition before applying for employment authorization and were not eligible for public benefits (in Arizona, undocumented immigrants who entered the United States after August of 1996 are not eligible for public benefits even if they have filed a self-petition). The wait for these individuals is currently 9 to 12 months.

The tension from not having a work permit. I don’t work, I am waiting for my permit. Almost all of us have kids and need to pay the rent and feed them. This has been the most difficult.

The sixth barrier caused by the VAWA self-petition process relates to immigration law penalties. Most self-petitioners cannot travel outside the United States until they have obtained lawful permanent resident status. Women complained of being separated from their family during a difficult time because if they leave the country they cannot get permission to reenter. Other hardships were having a child too old to be included in the self-petition, delays in the immigration system, and complications in their immigration history.

Not being close to my family. My grandmother died and I couldn’t go. They don’t give us permission to cross (the border) even in an emergency. Why don’t they permit this type of emergency permit?

For me, the difficulty has been that my oldest child isn’t covered in my application because of his age. It is difficult to accept. There are things that although the women (Legal Aid) are trying to resolve them, they can’t.

Worries About VAWA

Worry related to the VAWA self-petition process was the second category identified as a barrier and was rooted in insecurity regarding the future. The interviewees described a feeling that nothing was permanent and that the VAWA self-petition process was marked by instability and uncertainty. They felt they were always waiting for something: their work

permit, approval of their self-petition, and finally legal permanent residence. Worries expressed by women were extensive and varied with their progress in the VAWA self-petition process, from when they first applied, to their current status, to finally having their self-petition approved and dealing with problems that are more common to domestic violence victims trying to start a new life. Women's worries can be classified into five general categories: fear of the abusive spouse; the self-petition process; basic survival; their children's welfare; and fear of deportation.

Worry caused by ongoing fear of the abusive spouse was pervasive among interviewees. Some were concerned that their abuser would find out that they were filing a self-petition and disrupt the process, and others were concerned that their abuser would retaliate against them or their children. There was concern over confidentiality of the information they shared. Several were subjected to ongoing contact with the abuser or his family. Many women described symptoms of posttraumatic stress syndrome.

The process of preparing and filing a self-petition also caused worry and anxiety. The women found it difficult to believe that they would be successful, and they experienced ongoing fear about the fact that they had exposed themselves and their illegal status to immigration authorities. Waiting to find out if they qualified was thus very difficult, especially if there were concerns about when they would receive a work permit. One woman explained the feeling of being on hold: "I can't do anything until I know the answer. I am waiting."

The third cause of worry, basic survival, was often based on not yet having received a work permit, but the interviewees were also concerned about getting a job, keeping a job, needing a social security number to buy a house, and qualifying for public benefits, such as Medicaid and housing. The fourth worry, children's well-being, was related to survival. Women expressed their concerns about raising kids alone and their children's well-being.

Finally, deportation was a continuous worry throughout the application process. Some concerns stemmed from immigration history and illegal entries in the past. Women were very concerned about being separated from their children if they were deported as well as about the legal status of their children.

My fear is that if it doesn't turn out well, I would have to leave without my kids by myself. It is one of my greatest worries.

I'm worried about being separated from my kids. After having a life here, you don't have anything in Mexico.

I was worried that they were going to show up at my house and deport me. What was going to happen to my kids if they deported me?

Contextually, women continued to feel the isolation associated with being a battered immigrant woman:

You are alone in a new country, a new language, without family, and without support, and with children to support and protect and explain everything that is happening.

Negative Experiences With the System

The final category of barriers to the VAWA self-petition process revolved around women's experiences with the system, which varied because each case was different. While in general the respondents praised the treatment they received from legal and victim service providers, they also described suffering humiliation and frustration at the hands of police officers, legal services personnel, and social service providers:

I talked to them (legal services) . . . in order to apply for a new work permit and (the provider) told me that they were only doing new cases, important cases. "Well," I told her, "my case is important, I'm not saying more than any one else's." I had all my papers ready and they told me they weren't going to help me.

The police told me that I was accused of being a bad mother and they asked me if I had papers. "Wait a minute," I said, "are you the police or immigration?" I showed them my papers but they told me that they weren't worth anything. They took me away in front of my children.

It was the way they treated me. They know that I don't have papers and that's when the mistreatment starts. When I took my son to the pediatrician, they told me that because of me other people don't get food stamps and end up in the street. Because I have six kids.

Women also described a system that was somewhat arbitrary and inconsistent in terms of their eligibility for services, the treatment they received, and the amount of time they had to wait (e.g., for a work permit). In part, this not only reflects the fact that each case is different but it also underscores the importance of training with respect to VAWA and immigrant rights.

Facilitators to Completing the VAWA Self-Petition Process

In dealing with both the tangible and emotional barriers described above, women repeatedly described positive experiences with victim advocates and legal aid providers as key to their ability to complete the process. Throughout the interviews, women expressed surprise and gratitude in encountering service providers who were compassionate and helpful. Interviewees reported that as victims of abuse and as noncitizens they did not expect to be treated well by service providers. Thus coming into contact with empathetic people who could help them was transformative. As one woman described her expectations, "Instead of being rejected, I was embraced." Most often, victim services and Legal Aid were cited as organizations that helped women. School personnel, such as parent liaisons, were

occasionally mentioned, as was Child Protective Services, the police, and health care providers.

In addition to providing emotional support, agencies provided concrete assistance. Information, explanation, and clarification regarding services and their rights were all mentioned, as was assistance in the process of problem solving and finding solutions. Assistance included referrals, economic assistance, services for children, counseling, support groups, help with legal paperwork, assistance finding work, and assistance documenting abuse. When asked how providers helped them in the process of applying for VAWA, women emphasized both personal and professional qualities. They were surprised and gratified by the level of experience and professionalism of the advocates and legal staff with whom they came in contact. Specifically mentioned were the discreet and confidential nature of providers and their ability to communicate about abuse.

These people in helping agencies, they have a lot of experience. They know how to treat people who have been abused. They have the words to make you feel better, they are very good; they are caring when they talk to you.

The women were also overwhelmed by the level of empathy and support they received. Several mentioned that they found more compassion in the providers than in their own family and that, in fact, providers were their source of emotional support through the process. Trust was often mentioned as an important quality, as was their level of respect. Encounters with empathetic providers appeared to be a transformative experience:

Arriving at (victim service agency) is like arriving at a church, they are angels. When I leave here, I leave once again with life.

The greatest support I got was with recuperating my dignity. I was really depressed, insecure morally and spiritually. They helped me a lot with this.

Lawyers, paralegals, victim advocates, and counselors also contributed to women understanding their human rights in the context of being an immigrant in the United States.

You have rights, simply because you are a person, even if you are not a citizen. The attitude they have, they really try, they have a lot of confidence that you can do it; you are capable of doing a lot of things.

Recommendations for Improving the Process

Interviewees were able to identify several areas in which the process of filing a self-petition could be made less burdensome. Their recommendations fell into three categories: improvements in the legal process; follow up services; and increased public awareness. Improvements in the legal process included suggestions for both the process itself and

service providers. Interviewees expressed the desire to have the process explained thoroughly. One woman made it clear that the provider should not assume that the client understands anything about the process:

I would have liked for someone to explain to me about VAWA from the beginning, like that food stamps will not affect my case, and all the things that I wanted to ask but was afraid to.

Many women underscored the economic difficulty of their situation and the need for the work permit to be granted more quickly. Because the outcome of the process was unknown, not knowing how long they would have to wait for documents was also stressful.

Interviewees were also concerned about resources in the system. They felt that there should be more agencies and that existing agencies need more personnel.

There should be more budget for more personnel, so they can facilitate things. There are so many cases and not enough staff. I have seen the paralegal's desk stacked high with folders, and she has to do them all herself.

The women suggested that they be given more opportunity to fulfill their potential as people—to work, to study, and to learn. Their experience was that being Mexican and/or speaking Spanish were barriers to participation in civic activities. Women were specifically interested in educational opportunities and job training so they did not have to live in poverty, unable to support their children even after receiving approval of their self-petitions. One woman expressed her desire this way:

Maybe by knocking on doors, giving opportunities, yes I am worth it, yes you can, that I can work, in order for me to be a good citizen in the country. Not rejecting me. Let me demonstrate that yes, I can if they give me an opportunity. At times we knock on doors and because we are Mexican and don't speak English, they close the doors on us. There was a time that I was going to (the community college) but now they don't let me because I don't have a social security number. I want to learn more about the human body, to read, to write.

On a community level, the women expressed the need for greater public awareness about domestic violence and for battered women to know more about the services available to them. They felt that the community needed to speak more openly about violence toward women so that it would not be hidden and shameful. They explained that many women do not even know that they are being abused. The women stressed the need to disseminate information on human and immigrant rights, so that victims do not fear seeking help from the police or feel they have no legal recourse against the abuse. They strongly recommended that information be disseminated in community settings, specifically suggesting churches, clinics, and hospitals, WIC offices, grocery stores, English classes, and school parent meetings. The radio and

television were also recommended. They also stressed the need to publicize the confidential nature of services, especially related to mental health services, which are considered a sign of mental illness.

Women also felt there was a need for more training on VAWA, most specifically for law enforcement. Even when they were being assaulted, women were terrified that the police would deport them and separate them from their children or that any involvement with law enforcement would be detrimental to immigration petitions being initiated through their spouses. Interactions that interviewees had with law enforcement had an enormous impact on their ability to free themselves of the violence. One victim found out about VAWA through a police officer who sent her to legal aid and thus transformed her life, while another was told by a police officer that she should go back to Mexico and threatened to call immigration officials. Given that many police officers are not even aware of the existence of protections for immigrant victims of domestic violence, it is crucial that every officer be trained in the law and have a clear protocol to follow when called to a domestic violence incident where the victim may be undocumented.

The Benefits of VAWA

While not a specific point of analysis, a recurring theme among interviewees was the desire to regain their lives, and more specifically to be able to survive economically and ultimately to contribute to society. The opportunity to work was symbolic of being a part of society and being useful, and thus was viewed as the change agent. Beyond basic self-sufficiency, women also expressed transcending levels of fulfillment—the desire for personal freedom, recovering sense of self, and ultimately personal fulfillment. Personal freedom referred not only to freedom from abuse and fear of abuse but also as having legal documentation to reunite with family and work without fear and with dignity. Having the right to stay in the United States and ensure the security of their children were sometimes different from their plans to actually stay. One woman expressed her mixed feelings this way:

I will be happier, to go out, not to have to worry that the police or immigration are going to talk to me. And I can visit my family in Mexico. I am going to feel calmer being closer to my family because my son is having a hard time. . . . I hope that this is over quickly and I can work, and have my apartment and two children. Maybe go live on the other side so that I am not close to him. I feel like he is my shadow, that he is following me.

Through the VAWA self-petition process, women saw themselves as transformed personally. Having legal status was critical to their vision of self-esteem and dignity.

A total change, in every way. Like a human being I am going to have more confidence. I'm even going to apply for work with more confidence. I am going to recover my security again. When I have my papers everything will be complete.

And this transformation applied as well to their children:

The life of my children changed, it changed so much. My daughter was fearful, timid, angry; she didn't want to drive, nothing. Now she is another person, she is going to the university, she drives. It opens the doors of heaven.

Finally, women conveyed their desire for personal fulfillment by having the opportunity to study, providing their children the opportunity to study, being able to help others and give something back to society, and finally fulfilling their dreams in a career.

Discussion

The results of this study provide perspectives on the VAWA self-petition process and how the system treats battered immigrant women, both intentionally and inadvertently. Policy makers and practitioners alike can benefit from a comprehensive appreciation of the impact of abuse, the response of law enforcement and the justice system, and the action, inaction, and reaction of battered immigrant women. The justice system is a social force that can be either therapeutic in the sense that women gain awareness of their legal rights as individuals, or abusive by being punitive, confusing, and inconsistent. The recommendations that follow are derived not only from the results of this study but also from the current field of research. Recommendations are grouped within practice, research, and policy with the hope that the lessons learned here can positively affect these arenas.

Practice

Service and advocacy activities require greater attention to the complex process that battered immigrant women go through in addressing intimate partner violence. Previous research and the interviews documented here describe the manner in which immigrant women progress from talking with informal networks to undertaking formal strategies to end violence (Erez & Hartley, 2003). Each successful interaction leads to a greater sense of control and increased potential for further efforts. Given that help-seeking behavior often begins with informal contact with members of their cultural community, it is crucial that information about domestic violence and the opportunities afforded under VAWA be disseminated at a community level (Liang et al., 2005). The interviews demonstrated that building community awareness occurs most effectively in places where the immigrant community is likely to connect, such as Head Start programs and community clinics. Research shows that this strategy can be improved through the provision of culturally appropriate and language-specific programs that target specific immigrant populations and can more easily be incorporated into a community and culturally based service networks (Raj & Silverman, 2002). Innovative strategies to build awareness within the context of a community center might include advertising on the local radio and dissemination through English as a Second Language (ESL) programs (Bhuyan & Senturia, 2005).

The interviews demonstrated that victim service agencies play a pivotal role in activating internal community resources, building community awareness, and educating informal networks, thus providing a pathway for information to reach battered immigrant women. In many cases, domestic violence presentations at Head Starts and neighborhood schools led to victims' realization that they were being abused and led them to seek help. Many women interviewed had attended "community chats" hosted by a victim service agency that has a culturally specific program and a satellite office in the Latino community.

Strong collaboration between victim advocates and legal services was also essential in ensuring that women accessed their rights under VAWA. The interviews made it clear that once an eligible woman made contact with either Legal Aid or victim advocacy, not only was the VAWA self-petition process initiated but both her short- and long-term needs also began to be addressed through their interagency referral process. The relationship between these victim advocacy and legal services also enhanced the cultural competency of legal services and ensured ongoing counseling and follow-up for applicants.

Awareness is the first level of accessing services, but the dearth of resources also must be recognized. Lack of economic stability and access to legal representation were immense barriers for the women interviewed in this study. Assistance should be considered from both short- and long-term standpoints. While assistance with food and housing may be a short-term need, the system also should attend to the long-term need for both emotional and practical support (Liang et al., 2005). A further consideration for immigrant women is that in addition to the challenge of caring for the children who are with them, they may have children in their country of origin who continue to need financial support.

Finally, the role of trained service providers in mediating the experiences of the women cannot be overstated. Any provider that comes into contact with the immigrant community should be trained to understand the context of immigration, immigrants' legal rights, and how to respond in a culturally competent and therapeutic manner. The provider community includes not only victim service agencies but also schools, health care facilities, economic aid agencies, law enforcement, and the justice system. Victim services and legal aid agencies are naturally key agents in training other providers. There are specific considerations in conducting training with different groups. Those providing legal services also need to be aware of cultural concerns and the fact that while the legal process is routine for providers, battered immigrant women know very little about the legal process and their rights and that additional time needs to be taken to increase their understanding of legal issues and allay their concerns. Law enforcement may be the first responder that a battered immigrant woman encounters and should therefore be trained to be a resource and an ally (Erez & Hartley, 2003). Given their distinct roles in law enforcement, police officers and border patrol agents would benefit from a clear and well-communicated protocol for incidents that may involve a battered immigrant woman.

The most effective way to respond to the various roles of the formal provider network is the collaborative development of a coordinated community response in which protocols are followed and services are integrated. Figure 1 presents a diagram of a coordinated community response developed by task force members based on the results of

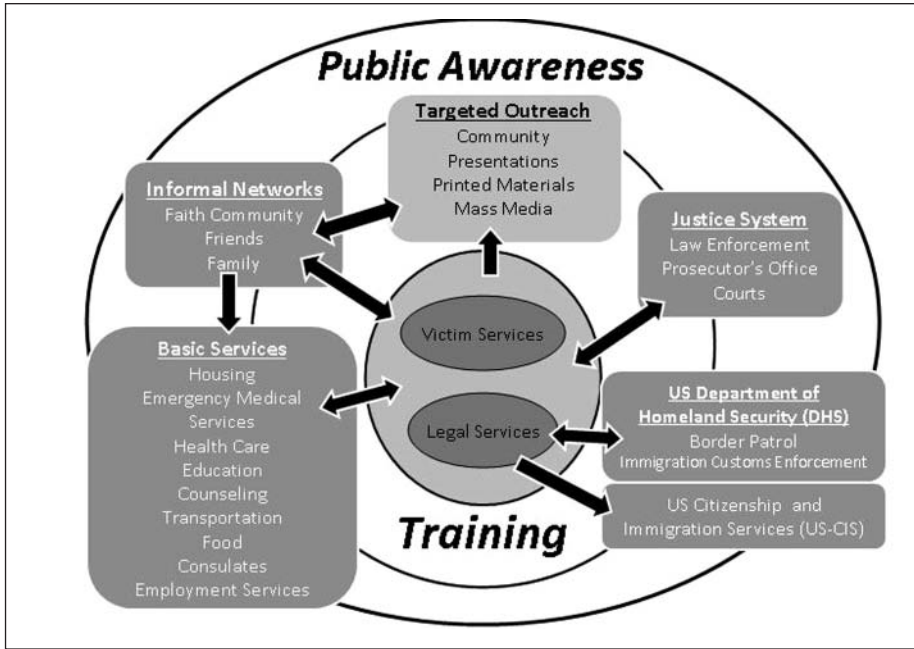


Figure 1. VAWA self petition protocol: Coordinated community response

interviews as well as their own experiences. Central to the response is the relationship between the victim services/victim advocacy agency and the legal services provider, most likely a nonprofit legal agency. When these two entities are working well together, a woman eligible to file a self-petition who has made contact with either agency can be assured access to legal services as well as to a support system needed to address economic and emotional issues related to escaping and surviving domestic violence. The figure depicts how culturally tailored outreach efforts in conjunction with referrals from agencies providing basic services to women and their children can facilitate contact with the inner circle of victim services and legal aid. The legal agency is then responsible for contact with the immigration authorities. Key to the effectiveness of the community response is training for all entities that come in contact with or serve immigrant women, provided through the victim service/legal collaboration in partnership with other agencies. In addition, public awareness efforts serve to increase recognition of domestic violence among community members and the identification and referral of women into the formal system. It should be noted that this is the ideal community response based upon mutual understanding among the involved entities. In the reality of partners' experiences, many gaps in services and relationships must be addressed to achieve this response.

Research

The tendency of research to focus on the cultural aspects of domestic violence fails to acknowledge that societal norms and laws are ultimately responsible for the fact that thousands of women are injured or killed each year by an intimate partner. For example, many articles suggest that some cultures afford more power and dominance to men, resulting in greater violence toward women. However, partner violence affects women of all cultures and classes, and existing studies are unable to distinguish cultural background from socio-economic status, indicating that economic stress may be a more significant predictor of domestic violence than cultural background (Kasturirangan et al., 2004). Furthermore, ascribing responsibility for male partner violence to cultural beliefs overlooks the complex role of racism in the development of cultural norms. What is presumed to be culture may actually be the effects of racism or, in other words, the experience of acculturation, immigrant status, community response, and histories of oppression that affect the experience of minority communities. Future research should focus on understanding the impact of racism on intimate partner violence and on the ability of immigrant women to access and utilize resources and services designed to help them end the violence.

The role of extended family is a second area of research that might contribute to understanding how best to help battered immigrant women connect with the system. The women in this study had different experiences of family. On one hand, some women found out about VAWA self-petition from a family member and others received emotional support through the family network if there was one available. But the interviews and other research also suggest that the family structure may support the abuse by discouraging women from seeking help (Kasturirangan et al., 2004; Liang et al., 2005). Additional research in understanding the impact of family could be beneficial in helping agencies build awareness in the community at large so that families do not become instruments of oppression for women in violent relationships.

Policy

The legislative response to the current environment of anti-immigrant sentiment is pushing immigrant women further into the shadows, making them and their children ever more vulnerable to abuse. As it currently stands, the VAWA immigration provisions help prevent U.S. citizen and legal permanent resident abusers from using immigration law as a weapon of control and abuse. The women in this report testify to the overwhelming courage required to confront their shame and fear, suffer economic instability, and withstand overwhelming uncertainty to seek self-protection under VAWA. The barriers a self-petitioner must overcome greatly reduce the possibility that nonvictims could take advantage of this law. On a policy level, the availability of the VAWA self-petition is fundamental to the safety of this vulnerable population.

However, there is still much to be done to ensure that battered immigrant women can avail themselves of VAWA protection. Potential initiatives in the policy arena include mandated training for first responders, including health providers, police officers, and

border patrol agents. In addition, development of formal protocols to identify and respond to potential victims would further ensure victims' rights. For immigration authorities, establishing protocols to identify victims will be a significant challenge, given that their mandate is one of enforcement and does not generally include identification or treatment of victims. To protect the ability of battered immigrant women to report abuse, local law enforcement efforts, which rely on victim testimony, and those of the border patrol should remain separate. Collaboration with victim service agencies in developing protocols and instituting training would contribute to the feasibility and cultural competency of these efforts.

Finally, policy changes within the application process should be considered. The process of preparing a personal statement describing the abuse was a distressing experience for each of the women interviewed. Because the necessary emotional burden of this process is so immense, strategies to decrease other stressors are recommended. A major concern is the financial burden to women who are attempting to remake their lives but are not yet able to work legally. Ideally, an applicant would receive employment authorization and be able to work legally as soon as her case is filed with U.S. Citizenship and Immigration Services (USCIS). This would allow applicants to avoid applying for public benefits and be financially stable during the adjudication process. However, concerns regarding fraudulent applications may make this solution unpalatable to policy makers. Alternatively, the regulations could require USCIS to adjudicate self-petitions within 90 days and allow approved applicants to receive their employment authorizations within that time frame. If 90-day adjudication is not possible, then temporary employment authorization should be granted to the applicant by the 90th day. Providing faster access to employment authorization is particularly important to the safety of self-petitioners who have no access to public benefits while their petitions are pending. Domestic violence shelters cannot support self-petitioners and their families for the 12-month period it currently takes USCIS to adjudicate a self-petition and then grant employment authorization. A 90-day time frame for employment authorization would also ease the demands on shelters and allow them to develop realistic goals and services for immigrants who are waiting for decisions on self-petitions. Earlier issuance of employment authorizations would allow self-petitioners to become financially independent of the abusers and leave the abusive situation months earlier.

Conclusion

The self-petitioning provisions of the Violence Against Women Act were designed to protect immigrant women married to U.S. citizens or legal permanent residents from being trapped in abusive relationships due to fears related to their immigration status. The protections afforded to battered immigrant women under VAWA ensure that immigrant women have the means to escape a violent situation and protect the well-being of their children without the paralyzing fear of deportation. Abused immigrant women comprise a population well-hidden from society as a result of both the abuse and their legal status in the United States. The VAWA self-petition gives battered immigrant women the opportunity to remake their lives as well as those of their children. Nonetheless, the emotional,

financial, and logistic barriers facing immigrant women in applying for VAWA can be overwhelming. By taking steps to reduce this burden, service providers, law enforcement, and USCIS could have a major impact on increasing access to VAWA protection and decreasing the emotional and financial burden of the process.

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Bios

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