

## LIFETIME PREVALENCE OF VIOLENCE AGAINST LATINA IMMIGRANTS: LEGAL AND POLICY IMPLICATIONS<sup>1</sup>

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### ABSTRACT

Although domestic violence plagues communities of all races, socio-economic status and geographical locations, some communities within the U.S. are more vulnerable because victims' alternatives to living with their abuser are more limited and they face more obstacles to obtaining the assistance they need to escape the violence. A particularly vulnerable group are Hispanic immigrants residing in the U.S. who have been described as living in more difficult conditions. Latina immigrants and refugees face stresses of acculturation and language, in addition to the limited opportunities afforded to other ethnically diverse groups in the U.S. This article examines the prevalence of various forms of domestic violence experienced by Latina immigrant women, the nature of the battering and extreme cruelty they experience, and public policy implications of the findings. Undocumented and recently documented Latina women (n = 280) were interviewed about their experiences relating to domestic violence. A large proportion of the survey participants in the three groups (48.0 percent) were undocumented, unpartnered (56.5 percent), and employed (52.9 per cent). Participants reporting being in the U.S. for an average of 5.1 years. Based on their responses, participants were identified as 'Physically and/or Sexually Abused' (n = 136), 'Psychologically Abused Only' (n = 33), or 'Non-Abused' (n = 107). Results showed that 49.3 percent of all participants reported having experienced physical abuse, 11.4 percent sexual abuse, 60.0 percent dominance/isolation-type psychological abuse, and 40.7 percent emotional/verbal-type psychological abuse from an intimate partner. Physically and/or sexually abused women reported higher rates of several types of dominance/isolation compared to those in the psychologically abused only group. There were no differences between the two groups in emotional/verbal abuse. Physically and/or sexually abused women experienced more threats, including threats to harm children and other family members, to take the woman's money, to call Immigration and Naturalization Services (INS), and to kill her, compared to psychologically abused only women. The implication for policies related to battered immigrant women is discussed.

### INTRODUCTION

In March 1998 the U.S. Department of Justice issued an Analysis of Data on Violence by Intimates (Bureau of Justice Statistics, March 1998) which reports a decline in the number of female victims of intimate violence, from 1.1 million

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women in 1993 who experienced rape, sexual assault, robbery, aggravated assault, and simple assault victimization at the hands of an intimate to an estimated 840,000 in 1996. Those who experience the most domestic violence are young girls and women aged 16 to 24. Women from low income households continue to report more intimate violence than women in households with larger incomes. Women separated from their spouses had a higher violent victimization rate than divorced women. Hispanic ethnicity was not associated with level of risk, as Hispanic females did not hold any measurable difference in victimization by intimates than non-Hispanics. Although domestic violence plagues communities of all races, socio-economic status and geographical locations, some communities within the U.S. are more vulnerable because victims' alternatives to living with their abusers are more limited, and they face more obstacles to obtaining the assistance they need to escape the violence.

A particularly vulnerable group are Hispanics residing in the U.S.<sup>2</sup> They have been described by demographic research as having higher unemployment rates, poorer housing, poorer nutrition, a higher incidence of poverty, higher morbidity and mortality, and lower educational attainment when compared with non-Hispanic whites (U.S. State Department, 1994). Furthermore, Latino immigrants and refugees face stresses of acculturation and language in addition to the limited opportunities afforded to ethnically diverse groups in the U.S. For many Latino immigrants the ability to overcome these significant barriers is complicated by the gender disadvantage. Since the 1930s it has been estimated that women and children comprise the majority of documented and undocumented immigrants in the United States (U.S. State Department, 1994).

The traditional disempowerment of women in immigrant and refugee families is compounded for battered immigrant Latinas who may be among the most vulnerable and marginalized within the Latino community. Due to potential difficulties such as undocumented status, language difficulties, lack of information about resources, and fear of the court system, many Latina women who are battered are reluctant to seek legal assistance. When immigrant women do surmount these barriers, the police, prosecutors, courts, service providers and even shelters can be slow to respond and/or are insensitive to the special needs of immigrant and refugee battered women. Given these conditions, refugee and immigrant women can become more inextricably caught in the domestic violence web. Immigrant Latina women's economic and social status, and cultural and educational differences influence the manifestations and characteristics of domestic violence; these differ from those of battered Latino and Anglo women in more established U.S. communities. Therefore, the strategies, laws and policies aimed at combating domestic violence and to assist immigrant battered Latinas need to be tailored to their unique circumstances if they are to be successful.

The immigration status of the battered woman and her partner is often a significant aggravating circumstance to her already difficult plight. Being undocumented, recently documented, having a non-permanent immigration status or being dependent on an abuser for legal immigration status, limits a battered

woman's ability to access resources and increases her vulnerability to being reported by their abusers and deported to their country of origin. An undocumented or unstable immigration status increases the battered woman's social isolation, inhibits her willingness to seek shelter or other social services for fear of detection, and leads to further entrapment in an abusive marriage. Abusers of immigrant women use immigration status as a weapon of dependency, isolation and control to trap them in an abusive relationship. Batterers of immigrant women often use their control over their victim's immigration status, isolation and misinformation about what legal rights she may have, to threaten her with deportation if she refuses to accede to his wishes or if she reports the abuse to the authorities.

#### RESEARCH BACKGROUND

There is limited empirical research available about domestic violence in Latino populations living in the U.S. and such research is almost non-existent for Latino immigrant communities. Further, immigrant Latina battered women in particular have not been sufficiently studied in terms of the intersection of domestic violence with immigrant status. Despite this paucity, social theorists and researchers agree that, overall, Latinas constitute a fragile group of battered women who face barriers, experiences and cultural conditions which set them apart in their life experiences, fears, needs and in their ability to access the help they need to escape, avoid, stop or resist abuse.

Torres (1991) conducted a comparative study of sheltered battered women and found that Mexican-American women stayed in their abusive relationship longer than Anglo-American women. Mexican-American battered women experienced more conflict with their abusers over decision making and housekeeping money, about their going out and their pregnancies. Mexican-American women reported more unpredictability in the episodes of abuse and were more frequently hit in front of their children. Of the shelter population studied, only Mexican-American women were frequently hit in front of relatives. Immigrant status was found to deter Mexican-American women from seeking formal help. Culture, family roles and traditions further influenced battered immigrants' help-seeking behavior. Mexican-American women turned first for help to traditional healing arts before seeking help from the justice or social service systems.

In their examination of the influence of culture in the manifestation of domestic violence among Latinos, Carrillo and Marujo (1984) reported that all of the men in their sample of battering couples held extreme traditional sex role expectations going into the relationship. While most of the women also held traditional expectations at the initiation of the relationship, their views became more liberal and acculturated, causing conflict over the values to be taught to children. Another shelter study (Gondolf *et al.*, 1988) analyzed interviews of Anglo, Black and Latina women. The study found that in terms of marital norms,

Latina women appeared bound to the marriage by a norm of 'loyal motherhood' or a fear of losing the children if they were to leave. More Latinas than any other ethnic groups lived below the poverty line. They were married the longest and had much lower education, employment and job status. Latinas reported the longest duration of abuse and were the least likely to contact a friend, minister or a social service agency for help. Burdened by language differences, discrimination and limited mobility, their ability to seek help was also hindered by the fact that a substantial number of the Latinas surveyed were undocumented immigrants and therefore their eligibility for certain formal supports from social services were more limited than other survey participants.

In a study of immigrant Latinas, Perilla *et al.* (1994) found that half of her sample of 60 reported having sought assistance for abuse. The study found that high levels of depression were experienced by Latinas independently of their abuse status; a woman's higher level of financial independence was associated with higher levels of abuse; and family income, number of family units in the household, and acculturation levels of the woman were not predictive of abuse levels. They also found that the degree to which a woman subscribed to traditionally feminine and masculine roles was unrelated to abuse levels; that women with higher levels of stress also experienced higher levels of abuse; and that acculturation had no effect on the relationship between stressors and abuse. The researchers reported that stressors stemming from environmental sources (*e.g.*, work, school, finances, *etc.*) indeed contributed to the occurrence of abuse; and stressors related to immigration status (*e.g.*, lack of proficiency in English, prejudice, *etc.*) and other family and cultural variables also contributed to abuse. They concluded that mutuality, or such bi-directional aspects of the relationship as empathy, communication, understanding and mutual respect, were significantly affected by stressors and by the man's frequency of intoxication, which together were the strongest predictors of abuse.

A prevalence study with 112 migrant farmworker women was conducted by Rachel Rodriguez (1995). In this study, 35 percent reported being hit within the last year, 21 percent reported forced sexual activity within the last year, and 28 percent reported being afraid of their husbands or boyfriends. The severity of the abuse ranged from 'slapping and pushing' to 'beating up with severe injuries'.

Sorenson and Telles' (1991) survey of 2,392 households found a nearly equivalent rate of domestic abuse among non-Hispanic whites and Mexican-born Hispanics (21.6 percent and 20.0 percent respectively), while Mexican-Americans born in the U.S. had the highest rate of domestic violence at 30.9 percent. Domestic violence was defined as whether any partner had been violent towards the other, or whether the woman had been the victim of sexual assault by a partner. Thus, Mexican immigrants had the lowest rates of spousal violence of all groups. Additionally, Mexican-American respondents who chose to take the interview in English reported higher rates of spousal physical and sexual violence. Immigration status is an important factor in family violence, with Mexican-Americans born in the U.S. being more at risk. The authors concluded that



non-immigrant generations of Latinos may be more violent toward their spouses as they may find it harder to balance the conflicting demands of their culture of origin and the dominant U.S. culture. These results contrast with findings from other authors. This study, however, had some methodological problems. All of the participants' self-reports were produced by telephone interviews. Under these circumstances it is very likely that Mexican born immigrants would be more reluctant to answer questions truthfully than would U.S. born Mexican-Americans, given the natural guardedness of new arrivals who are unfamiliar with the U.S. legal system and who may have less stable immigration status. Rather than discrediting findings of domestic violence in immigrant Latino communities, this study may actually suggest that both immigrants and U.S.-born minority Mexican-Americans suffer from domestic violence experiences, but immigrants may have more reservations about admitting to them.

The Immigrant Women's Task Force of the Coalition for Immigrant and Refugee Rights and Service (CIRRS, 1990) undertook *A Needs Assessment of Undocumented Latina and Filipina Woman* and reported the following findings: Thirty four percent of the Latinas surveyed admitted experiencing domestic violence; 48 percent indicated that the level of violence increased with the immigration to the U.S. and 52 percent reported that they were still with the batterer. Forty-eight percent of the Latinas interviewed spoke no English. Another 38 percent knew only basic English. Among the immigrants surveyed Latinas had the lowest incomes. Those women surveyed who were working, worked only part-time. Of the Latina women who were not working, 53 percent were supported by their husbands and 20 percent by other family members. Sixty percent of the Latina women had 1-3 children and 17 percent had 4-8 children. Latinas were fearful of deportation, which kept them from seeking social services. The CIRRS survey also found that the immigration process led to fragmentation of the extended family which Latina women could traditionally rely upon to resolve conflict. As many as 39 percent of the Latinas surveyed reported that coming to the U.S. had increased pressure on their families. Stress from the male partner's unemployment, his perceived loss of control in the relationship, his devaluation by the larger U.S. society, his unwillingness to share authority with his wife, as well as traditional customs that reinforce the woman's inferior status and the absence of community or extended family to intervene in 'marital problems', seem to lead to a dramatic increase in family violence in immigrant communities.

While the CIRRS study provides some valuable insights, domestic violence was not actually the focus of their survey and there were problems in data collection. Several women who, when interviewed denied experiencing domestic violence, later called their interviewer seeking domestic violence help and disclosed that, although they originally denied it, they had been battered. Therefore, the CIRRS study acknowledges that their numbers actually under-report the rate of domestic violence among undocumented immigrant women.

In 1992 Ayuda undertook a research project to examine more closely domestic violence and to assess the needs of, and living conditions among, Latina immigrant women.<sup>3</sup> The study was modeled after the Coalition for Immigrant and Refugee Rights and Services (CIRRS) Immigrant Women's Task Force study, in an attempt to validate its conclusions and explore more fully the role that domestic violence plays in the lives of immigrant Latina women and children. The purpose of the study was to explore the domestic violence and other conditions affecting the lives of undocumented and recently documented Latina women in the Washington D.C. metropolitan area. This article reports this study's research findings in the area of domestic violence and immigration. We discuss the prevalence of various forms of domestic violence experienced by Latina immigrant women, the nature of the battering and extreme cruelty they experienced and the public policy implications of the survey's findings.

## DESIGN AND METHODOLOGY

### Participants

Undocumented and recently documented Latina women from the Washington, D.C. metropolitan area were recruited through fliers at schools, health clinics, churches and other locations, as well as through a snow ball approach with referrals from the interviewed participants themselves.<sup>4</sup> Criteria for eligibility to participate was met if a woman had immigrated to the U.S. within her lifetime and was a native Spanish speaker. To participate in the 'General Population Sample', it was essential that the interviewer did not know at the time the interview began whether or not the interviewee had been a victim of domestic violence ( $n = 280$ ). This group of immigrant women surveyed was further divided into three categories referred to as 'Physically and/or Sexually Abused', 'Psychologically Abused Only' and 'Non-Abused Immigrants'.

Interviewers were nine Latinas who lived in the community, were survivors of a battering relationship and were themselves Latina immigrants of low economic levels. They were trained to disclose to the participant at an appropriate point in the survey, before beginning to ask about domestic violence, that they had suffered violence in the home and that they knew that this was a common experience for many women. The interviewers' disclosure that they had experienced domestic violence helped make interviewees more comfortable about disclosing their own personal history of victimization, if applicable. Participants were briefed on the procedures and told that this study was a needs assessment conducted by a community agency and not related in any way to the Immigration and Naturalization Service. Participants were apprised of the confidential nature of this survey and provided oral consent to their voluntary participation. Confidentiality was achieved by numbering the surveys and having them checked out to the individual interviewers. Names of the participants were tracked by a person

uninvolved with the research and only as to assure that the same individual was not interviewed twice. At the end of the interview each participant was provided with a list of referrals to community-based agencies that could assist them with some of the problems they reported or might encounter in the future. Participants who disclosed suffering from domestic violence were invited to join *Hermanas Unidas*, a local support group for battered women.

### **Survey Design, Content and Structure:**

The structured interview survey instrument was adopted and modified from the CIRRS survey (CIRRS, 1990). The survey was a combination of questions which offered interviewees specific choices and semi-structured open-ended questions which were designed to obtain further detail and to provide an opportunity for the interviewee to tell her story. The survey contained 269 questions organized in the following categories: demographics, language abilities, immigration status, acculturation, present problems, support systems, use of formal support from agencies and systems, economics, children and custody matters, domestic violence, child abuse, public benefits usage, work history, housing, and the immigrant experience. The survey was developed and refined by Spanish speaking members of Ayuda's staff working through a series of focus groups with members of *Hermanas Unidas*, a Washington, D.C. based support and leadership development group for Latina survivors of domestic violence. Physical, sexual, and psychological (dominance/isolation, emotional/verbal) abuse scales were derived from survey items.

All interviewers were members of groups who first received special training to prepare them to conduct the interviews. As the survey instrument was developed it was reviewed and refined by two researchers who had expertise in public health and domestic violence. The survey instrument was simultaneously translated into both English and Spanish by qualified interpreters. All interviews were conducted in Spanish and the answers noted on the Spanish version of the survey form. The Spanish language version was considered the official version of the survey. All battered women were interviewed using the same survey instrument and the interview session took between one and two hours to complete.

### **Analysis**

The data were coded and entered into a SPSS data file. Non-parametric statistical analysis were performed using cross-tabulation to obtain frequencies and percentages, and Chi square was used to test statistical significance. Some participants declined to answer some portions of the interview which resulted in some missing data.

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## RESULTS AND DISCUSSION

### Demographic Characteristics

Overall, there were 280 participants in the general population sample. Demographics were compared for three non-overlapping abuse groups (*i.e.*, Physical and/or Sexual Abuse, Psychological Abuse Only, No Abuse); see Table 1.

These demographics indicate that our recruitment efforts were successful in that a large proportion of undocumented (48 percent) and recently (5.1 years) documented women were reached, a group largely ignored in other surveys. These women are often considered reluctant to participate in studies such as this due to their fear of detection. The relatively short time living in the U.S. suggests that, for many of our Latina participants, adaptation is still being negotiated, with issues of acculturation and uprootedness still relevant in their lives.

Survey participants differed in age across abuse groups. There were more younger women in the Physical/Sexual Abuse and No Abuse groups compared to the Psychological Abuse Only group ( $\chi^2 = 12.45, p \leq .05$ ). However, groups did not differ on any of the other demographic characteristics. Overall, slightly more than half (56.5 percent) were not involved with an intimate partner (*e.g.* single, separated, divorced or widowed) at the time of the interview. Most had limited fluency in English but were fluent in Spanish, both in reading and writing. Further, the survey population had also attained limited educational levels. A large proportion of our participants were employed (52.9 percent), although 30 percent earned incomes that placed them below the poverty level of \$9,000 a year.

The country of origin was listed in order of frequency in Table 1. El Salvador, Guatemala, the Dominican Republic and Honduras were the countries of origin for the majority of our participants. The political characteristics of the Central American and Caribbean countries differ from other Latin American countries, in that El Salvador and Guatemala have had long-standing and intense political warfare, suggesting that many of our participants may have fled from war, violence, and political turmoil. In a qualitative study conducted by Del Rio (1995), immigrant battered women from Central America were found to have experienced multiple victimizations from warfare and natural disasters prior to and in addition to having experienced domestic violence with their partners. Together with the possibility of abuse during the process of immigration, particularly while crossing the border illegally, the potential for previous trauma may be significant for some of our participants.

For all groups, 23.6 percent of the survey participants had stable permanent immigration status (*i.e.*, naturalized citizens and lawful permanent residents). A similar proportion (28.3 percent) had been granted a non-permanent legal or protected status by the Immigration and Naturalization Service (permission to live and work temporarily in the United States). A large proportion of the survey

TABLE 1  
Demographic Characteristics of the General Population by Abuse Type

Demographic Variables	Physical and/or Sexual Abuse (n = 136)	Psychological Abuse, only (n = 33)	No Abuse (n = 107)	Total
<b>Age</b>				
14-23	13.2% (18)	9.1% ( 3)	20.6% (22)	15.6% ( 43)
24-29	34.6% (47)	15.2% ( 5)	29.0% (31)	30.1% ( 83)
30-41	47.8% (65)	63.6% (21)	41.1% (44)	47.1% (130)
42-56	4.4% ( 6)	12.1% ( 4)	9.3% (10)	7.2% ( 20)
<b>Marital Status</b>				
Partnered <sup>a</sup>	46.0% (63)	53.1% (17)	37.4% (40)	43.5% (120)
Unpartnered <sup>b</sup>	54.0% (74)	46.9% (15)	62.6% (67)	56.5% (156)
<b>Employed</b>				
Full or part time	56.8% (79)	39.4% (13)	51.9% (56)	52.9% (148)
Unemployed	43.2% (60)	60.6% (20)	48.1% (52)	47.1% (132)
<b>Average Annual Income</b>				
Below \$9,000	32.4% (45)	24.2% ( 8)	28.7% (31)	30.0% ( 84)
\$9,001 to \$18,000	18.0% (25)	15.2% ( 5)	17.6% (19)	17.5% ( 49)
\$18,001 to \$27,000	2.9% ( 4)	0.0% ( 0)	.9% ( 1)	1.8% ( 5)
<b>English Speaking Ability</b>				
None	38.4% (53)	50.0% (16)	41.1% (44)	40.8% (113)
Very little	38.4% (53)	28.1% ( 9)	40.2% (43)	37.9% (105)
Moderate	14.5% (20)	12.5% ( 4)	12.1% (13)	13.4% ( 37)
Very good	8.0% (11)	9.4% ( 3)	6.5% ( 7)	7.6% ( 21)
<b>English Writing Ability</b>				
None	57.0% (77)	57.6% (19)	56.2% (59)	56.8% (155)
Very little	23.7% (32)	27.3% ( 9)	27.6% (29)	25.6% ( 70)
Moderate	11.9% (16)	3.0% ( 1)	9.5% (10)	9.9% ( 27)
Very good	6.7% ( 9)	12.1% ( 4)	6.7% ( 7)	7.3% (20)
<b>English Reading Ability</b>				
None	52.9% (72)	54.5% (18)	50.5% (54)	52.2% (144)
Very little	25.7% (35)	27.3% ( 9)	30.8% (33)	27.9% ( 77)
Moderate	15.4% (21)	9.1% ( 3)	12.1% (13)	13.4% ( 37)
Very good	5.9% ( 8)	9.1% ( 3)	6.5% ( 7)	6.5% ( 18)
<b>Spanish Reading Ability</b>				
None	9.4% (13)	3.0% ( 1)	1.9% ( 2)	5.7% ( 16)
Very little	10.1% (14)	24.2% ( 8)	16.7% (18)	14.3% ( 40)
Moderate	17.4% (24)	18.2% ( 6)	17.6% (19)	17.6% ( 49)
Very good	63.0% (87)	54.5% (18)	63.9% (69)	62.4% (174)



TABLE 1 (cont.)

Demographic Variables	Physical and/or Sexual Abuse (n = 136)	Psychological Abuse, only (n = 33)	No Abuse (n = 107)	Total
<b>Spanish Writing Ability</b>				
None	8.0% (11)	0.0% ( 0)	2.8% ( 3)	5.0% ( 14)
Very little	12.3% (17)	27.3% ( 9)	16.7% (18)	15.8% ( 44)
Moderate	17.4% (24)	15.2% ( 5)	13.0% (14)	15.4% ( 43)
Very good	61.6% (85)	57.6% (19)	67.6% (73)	63.4% (177)
<b>Education</b>				
0 to 4 years	24.6% (34)	21.2% ( 7)	22.2% (24)	23.3% ( 65)
5 to 12 years	63.0% (87)	69.7% (23)	68.5% (74)	65.9% (184)
High school grad	9.4% (13)	3.0% ( 1)	9.3% (10)	8.6% ( 24)
College or beyond	2.9% ( 4)	6.1% ( 2)	0.0% ( 0)	2.2% ( 6)
<b>Immigration Status</b>				
Naturalized or other Permanent resident	23.8% (31)	26.7% ( 8)	22.3% (21)	23.6% ( 60)
Non-permanent status <sup>c</sup>	26.9% (35)	33.3% (10)	28.7% (27)	28.3% ( 72)
Undocumented	49.2% (64)	40.0% (12)	48.9% (46)	48.0% (122)
<b>Length of time in the US</b>				
M (S.D.)	5.2 years (3.86)	5.7 years (4.48)	4.7 years (3.83)	5.1 years (3.93)
<b>Country of Origin</b>				
El Salvador	46.3% (63)	50.0% (16)	46.0% (46)	46.6% (125)
Guatemala	11.0% (15)	6.3% ( 2)	9.0% ( 9)	9.7% ( 26)
Dominican Republic	8.1% (11)	6.3% ( 2)	12.0% (12)	9.3% ( 25)
Honduras	5.9% ( 8)	3.1% ( 1)	5.0% ( 5)	5.2% ( 14)
Other Latin American country	28.7% (39)	34.3% (11)	28.0% (28)	29.1% ( 78)

<sup>a</sup> 'Partnered' includes married, living together, living with same sex partner.

<sup>b</sup> 'Non-partnered' includes single, separated, divorced, widowed.

<sup>c</sup> 'Non-permanent status' includes temporary conditional resident, provisional permanent resident, temporary resident, seasonal agricultural worker, legal refugee, student visa, tourist visa, business visa, temporary protected status.

$\chi^2 = 12.45, p \leq .05$

participants in the three groups (48.0 percent) were undocumented. Undocumented immigrants are immigrants who entered the U.S. without INS permission or whose legal immigration documents have expired since they entered. Although being in the U.S. without legal documents is not a violation of any

criminal law, these immigrants live in constant fear of detection and deportation. If detected, they may not be able to remain in the United States unless they can prove eligibility for some form of temporary or permanent lawful immigration status. Women with unstable immigration status (non-permanent or undocumented) are dependent on their spouse, an employer or political and legislative currents to attain lawful immigration status.

Overall, our sample of immigrant Latinas presented living conditions which set them at a social and economic disadvantage, even when these factors are seen independent of their abuse status. Limited English skills, low income, limited educational levels and vulnerability due to the lack of permanently secure immigration status may limit these Latina's alternatives and coping abilities at many levels. For instance, limitations in the command of the English language prevent women from obtaining better paying jobs, performing bank transactions, or from communicating with the police, shelters and social service agencies. These limitations on resources render women overly dependent on their partners or relatives for daily functioning. For immigrant Latinas who already suffer from the social discrimination and decreased social opportunities inherent in the minority status itself, and from the acculturation challenges and uprootedness that stem from their immigrant status, limited English language skills lead to further difficulties in adaptation as it prevents closer interaction with the new communities in which they have settled.

### **Prevalence of Physical, Sexual, and Psychological Abuse**

Cronbach alphas for Physical, Sexual, Dominance/Isolation, and Emotional/Verbal abuse scales ranged from .66 to .86 (Table 2). Of the 280 immigrant women respondents, 49.3 percent reported having experienced physical abuse and 11.4 percent, sexual abuse by an intimate partner during their lifetime. These numbers are higher than those reported by Tjaden (1999) in the recent *National Violence Against Women* survey. However, these rates are consistent with other studies reporting high rates of physical abuse in Latino immigrant populations (Perilla, 1994; Rodriguez, 1995; CIRRS, 1992).

The survey examined specific acts of violence experienced by the battered immigrant participants. We categorized physical abuse into moderate and severe abuse. Of the women who reported physical abuse, 42.1 percent reported that the abuse they experienced was 'severe', based on coding adapted from that used by Straus (1979, 1995) in the Conflict Tactics Scales. Nevertheless, both categories of moderate and severe physical abuse were behaviors that, as a matter of law, would in every jurisdiction in the United States, constitute criminal acts and would serve as a basis for issuance of a civil protection order against the abuser.

Psychological abuse was examined in addition to physical and sexual abuse. It may be a precursor to or accompany physical or sexual abuse. It is usually non-discrete in that it does not have beginning and ending points as a battering

TABLE 2  
Prevalence of violence and abuse among a sample of Latina immigrants (n = 280)

Type of Violence or Abuse	Frequency	Percentage
Physical abuse (total) ( $\alpha = .87$ )	138	49.3%
Moderate physical abuse ( $\alpha = .74$ )		
Push or shove	100	71.9%
Pulled hair	64	46.0%
Scratched	35	25.2%
Threw things	36	25.9%
Severe physical abuse ( $\alpha = .81$ )	118	42.1%
Hit	94	67.6%
Punched	77	55.4%
Kicked	62	44.6%
Attacked with a knife	16	11.5%
Choked	45	32.4%
Human bite	20	14.4%
Burn	13	9.4%
Attacked or shot with a gun	6	4.3%
Hit with an object	23	16.5%
Sexual abuse ( $\alpha = .66$ )	32	11.4%
Psychological abuse – Dominance/Isolation ( $\alpha = .86$ )	168	60.0%
Intimidation	144	51.4%
Verbal threats and coercion	141	50.4%
Economic abuse	91	32.5%
Isolation	81	28.9%
Employment-related abuse	55	19.6%
Immigration-related abuse	34	12.0%
Psychological abuse – Emotional/Verbal ( $\alpha = .74$ )	114	40.7%
Emotional abuse	100	35.9%
Child-related abuse	54	19.3%

incident typically does (Dutton, 1992). This ongoing and relentless nature serves to create a climate of terror which has been linked to the experience of psychological torture (Walker, 1984). Psychological abuse has been the least researched of abuse categories.

To determine the type of psychological abuse we adopted the empirically-derived conceptual model of psychological abuse developed by Tolman (1989). Based on survey items, we constructed two main categories: dominance/isolation and emotional/verbal abuse. Dominance/isolation (*i.e.*, isolation from resources,

coercion and threats, intimidation, economic abuse, isolation, employment and immigration related abuse) was reported by 60 percent of participants. Emotional/verbal abuse (*i.e.*, emotional and child-related abuse) was reported by 40.7 percent of participants.

### Comparison of Psychological Abuse Between Abuse Groups

We were interested in comparing the type and extent of psychological abuse between the two abuse groups: Physical and/or Sexual Abuse vs. Psychological Abuse Only (Table 3). We found significant differences in five of the dominance/isolation subcategories, but no differences in any of the subcategories of emotional/verbal abuse.

Physically and/or sexually abused women experienced significantly higher levels of intimidation, economic abuse, isolation, employment-related, and immigration-related abuse than women who experienced only psychological abuse. Intimidation and threats/coercion were by far the most prevalent forms of psychological abuse reported by both groups of women. Together, these forms of psychological abuse can be said to constitute a triple jeopardy for the immigrant battered woman, as it prevents her from developing effective resources as she faces a foreign community and a hostile household. Often the very survival of an immigrant battered woman and her children depends on her achieving some level of adaptation to her new homeland that is, for her, a foreign environment.

Immigration-related abuse is a critical way in which batterers of immigrant women exert power and control; it is a key element of extreme cruelty, dominance and isolation. Immigration-related abuse can be very powerful for women who depend on their partners for legal status, are undocumented or with vulnerable non-permanent immigration status. When a U.S. citizen or lawful permanent resident husband abuses a wife dependent on him to attain legal immigration status in the U.S. for her or the children, his power and control becomes more effective. Undocumented battered immigrant women face the untenable position of having to choose between the risk of deportation and that of ongoing escalating abuse. They are afraid that if they seek help to end the violence, their abuser will turn them in for deportation, will be identified by others in the justice, health care or social services system who will turn them in, or that they will be turned away from help because of their immigration status. Their willingness to seek shelter or other services for battered women is inhibited by their incorrect belief that seeking assistance will lead to deportation. When victims have limited access to resources and legal remedies, the abuser's tactics, which include threats of deportation or loss of financial support, acquire even greater power and prevent the victim from seeking help or leaving the abusive relationship.

These results suggest that intimidation and verbal threats/coercion are the predominant means by which women who are psychologically abused but not physically and/or sexually abused, are controlled by their intimate partners.

TABLE 3

Comparison of Psychological Abuse Between Physically and/or Sexually Abused and Psychologically Abused Latina Immigrants

Type of Psychological Abuse	Physically and/or Sexually Abused (n = 138)	Psychologically Abused (only) (n = 33)	Chi-Square
Psychological abuse – Dominance/Isolation (total)	97.8% (135)	100% (33)	.97
Intimidation	88.4% (122)	66.7% (22)	8.71**
Verbal threats and coercion	84.0% (116)	75.7% (25)	1.07
Economic abuse	58.7% (81)	30.3% (10)	8.37**
Isolation	53.6% (74)	21.2% (7)	10.98**
Employment-related abuse	36.0% (51)	12.1% (4)	7.40**
Immigration-related abuse	23.9% (33)	3% (1)	7.21**
Psychological abuse – Emotional/Verbal (total)	67% (93)	63.6% (21)	.13
Emotional abuse	60.9% (84)	48.5% (16)	1.56
Child-related abuse	32.6% (45)	27.2% (9)	.32

\*  $p \leq .05$ , \*\*  $p \leq .01$ , \*\*\*  $p \leq .001$

These forms of abuse can trap the victim into an internal sense of powerlessness and inefficacy. When one considers that women who have recently immigrated may also encounter assaults on their sense of self through the social discrimination and oppression commonly encountered by ethnically different immigrants, these forms of abuse, when combined, may come to erode her emotional resilience.

The presence of psychological abuse that involves the children was found to have similar levels between abuse groups. This may be a particularly powerful tool when used against the abused woman. Children are often used by abusers as means of control over the victim, and children are often at risk of physical danger themselves (Hughes *et al.*, 1989). This abuse includes threats to harm, abduct, take or abandon the children. Battered women in general have been reported to



withstand the violence passively because it redirects the violence from their children to themselves (Flannery and Harvey, 1991). Latinas may be likely to exhibit a similar pattern of behavior, encouraged by socialization patterns, which makes them the children's primary caretaker. Direct action such as calling the police or leaving the abuser has been associated in Latino battered immigrant women with the batterers then becoming physically abusive towards the children (Del Rio, 1995). When abusers of immigrant women who are undocumented or who do not have a permanent legal immigration status combine threats of deportation with child related abuse, the effectiveness of the abuser's power and control over the immigrant victim of domestic violence is exacerbated by the battered immigrant women's fear that she will be permanently separated from her children.

### Types of Threats

We considered different types of threats as defined in Table 4.

The Latina women who had experienced physical and/or sexual abuse in this survey reported high rates of threats to kill (31.1 percent); a significantly lower percentage of immigrant women whose abuse was only psychological experienced homicidal threats (3 percent). We also found a high rate of threats to do bodily harm reported by our survey sample of battered immigrant women experiencing physical or sexual abuse (34 percent). Together, these threats were only reported by 12 percent of the participants who experienced only psychological abuse. In every jurisdiction in the United States threats to kill and threats to do bodily harm are criminal acts, many of which can be prosecuted as felonies. The fact that these threats are also important factors to consider when assessing lethality supports the conclusion that they constitute extreme cruelty even when they are the only criminal act that has been committed against the battered immigrant.

Another important category of threats that abusers of immigrant women use, that must be taken seriously in assessing extreme cruelty, are threats to harm children or other family members and threats to take away the children. We found significantly higher rates of threats to hurt children (13 percent) and threats to hurt family members (10.8 percent) among immigrants who were physically and sexually abused as compared with immigrants who reported experiences that were limited to psychological abuse (3 percent and 0 percent, respectively). The fact that domestic violence often spreads from the battered spouse as the target of the violence to abuse of the children has been well documented (Hughes *et al.*, 1989). The higher rate of threats towards children and family members found in this survey is consistent with the findings of other researchers. However, there was no statistically significant difference between categories of abuse victims with regard to threats to abduct children or to take them away from the abuse victim. Threats to take children away from a battered immigrant play a key role

TABLE 4  
Types of Threats Made to Physically and/or Sexually Abused and Psychological Abused Latina Immigrants

Type of Threat	Physically and/or Sexually Abused (n = 138)	Psychologically Abused (only) (n = 33)	Chi-Square
Threats (any types)	34.0% (47)	12.1% (4)	6.01 **
Threats of bodily harm to woman	21.0% (29)	9% (3)	2.44
Threats to hurt children	13.0% (18)	3% (1)	2.67 **
Threats to hurt other family members	10.8% (15)	0% (0)	3.91 **
Threats to kill woman	31.1% (43)	3% (1)	10.90 ***
Threats to take children away	23.9% (33)	27.2% (9)	.18
Threats to take woman's money	13.0% (18)	0% (0)	4.77*
Threats to deport woman	13.8% (19)	3% (1)	2.94
Threats to call INS	12.3% (17)	0% (0)	4.48*
Threats not to file immigration papers	6.5% (9)	0% (0)	2.25

\*  $p \leq .05$ , \*\*  $p \leq .01$ , \*\*\*  $p \leq .001$

in how abusers exert power and control and how they perpetrate extreme cruelty against their spouses and intimate partners. When faced with the prospect of losing their children, many battered immigrant women feel forced to return to their abusers. The fact that these threats are being made in approximately one quarter of the cases of immigrant Latina women who reported any form of abuse highlights the need for the justice system and social service personnel working with battered immigrants to take threats of child abduction seriously.

The final category of threats identified in the survey that constitute elements of extreme cruelty were threats aimed at directly undermining the ability of a battered immigrant to succeed in fleeing the abuse and creating a life without dependence on her abuser. Immigrants who experienced physical and/or sexual abuse experienced threats to take away their money and to call INS on them significantly more than did victims of psychological abuse only. Interestingly,

only one woman surveyed whose abuse was limited to psychological abuse reported experiencing any of these immigration-related threats. This fact supports the conclusion that the presence of immigration-related threats in a domestic violence case is a strong indication that the immigrant woman may be experiencing physical and/or sexual abuse as well. Further, we may conclude that immigration related threats are an important tool that many abusers use to lock battered immigrants into abusive relationships.

Threats are a serious form of psychological abuse and a factor to consider when assessing the risk of lethality (Campbell, 1995). In a study of immigrant battered women from Mexico and Central America it was found that over half of the sample had experienced homicidal threats from the abuser (McCloskey *et al.*, 1995). Examined in this way, our sample reported relatively high rates of previously identified lethality risk factors (Campbell, 1995): choking (32.4 percent), abuse during pregnancy (42.1 percent), assault with a weapon (4.3 percent – 11.5 percent), sexual abuse (11.4 percent) and controlling daily activities (60 percent). Taken together, these results have important implications for understanding Latina immigrants' risk of serious or lethal violence.

## POLICY IMPLICATIONS

### Relevance for 'Extreme Cruelty'

Under United States immigration laws, domestic violence is defined as battering or extreme cruelty which includes, but is not limited to, causing or threatening to cause physical or mental injuries, psychological and sexual abuse, and actions that in and of themselves may not appear violent, but are part of an overall pattern of violence (8 C.F.R. §204.2 (c) (1) (vi) & (e) (1) (vi)).

Since the definition of domestic violence under U.S. immigration law and international law includes extreme cruelty, we wanted to learn what extreme cruelty looked like in the life experiences of battered immigrant women. From the data presented above we can conclude that several of the threats included in this category would constitute prosecutable criminal offenses.

In 1990 Congress enacted the Battered Spouse Waiver; this was the first piece of federal legislation that recognized the dangers faced by battered immigrants whose spouses controlled their access to lawful immigration status. This waiver provided a remedy for battered immigrant women who, under the Marriage Fraud Act, were required by law to prove to the Immigration and Naturalization Service that their marriage was not fraudulent. This is achieved by the woman proving that she was still married to her spouse two years after they received their conditional lawful permanent residency status based on an application filed by her citizen spouse. At the end of the two year period the spouses are required jointly to file a petition seeking full lawful permanent resident status. This two year requirement locked battered immigrants in marriages with U.S. citizen

abusers from which they could not escape. To provide a mechanism for battered immigrants to flee abusive marriages, Congress enacted the battered spouse waiver. To obtain a waiver under this provision a battered immigrant spouse is required to submit to the INS credible evidence of battering or extreme cruelty.

While the battered spouse waiver has helped many immigrants leave abusive marriages, it could only offer relief to battered immigrants whose U.S. citizen or lawful permanent resident spouses chose to initiate an immigration case on their behalf. If the abusive citizen or lawful resident spouse refused to file a family based visa application, or filed and withdrew the application before the battered spouse received lawful permanent residency or conditional permanent residency, the battered immigrant spouse had no access to the lawful immigration status to which she was entitled, based on the marriage. Child abuse victims abused by their U.S. citizen or lawful permanent resident spouses were also left without options. In 1994 Congress passed the Violence Against Women Act (VAWA) which contained immigration provisions designed to allow battered immigrant spouses, abused immigrant children and immigrant parents of abused children to attain lawful permanent residency status without the co-operation or knowledge of their abusive U.S. citizen or lawful permanent resident spouse or parent. VAWA immigration relief thus assists undocumented abused immigrant spouses, immigrant children and mothers of abused children who could prove, among other factors, that they or their child had been subjected to battering or extreme cruelty, to achieve residency status.

The Immigration and Naturalization Service regulations implementing both the battered spouse waiver and VAWA's immigration provisions define battering or extreme cruelty to include, but not limited to: causing or threatening to cause physical or mental injuries, psychological and sexual abuse, and actions that in and of themselves may not appear violent, but are part of an overall pattern of violence (8 C.F.R. §204.2 (c) (1) (vi) & (3) (1) (vi)). Gaining an empirical understanding of the factors that constitute extreme cruelty for battered immigrant women will be helpful in providing important information for INS officers adjudicating VAWA and battered spouse waiver cases, for immigration judges deciding VAWA immigration cases, and for advocates and attorneys assisting battered immigrants in submitting VAWA and battered spouse waiver cases to the Immigration and Naturalization Service.

This present survey's findings about the lack of English language proficiency have important implications for domestic violence service providers, and for justice and health care programs developing outreach campaigns to inform battered immigrant women about their legal rights and the services available to help them. To be effective, Spanish language outreach materials must be developed and distributed. Lack of English language skills also means that many Latina battered immigrant women will be unable to access the legal system or health care system without the assistance of skilled interpreters.

Finally, these findings will be of value in the training of state court and immigrant judges, and of INS adjudicators, better to recognize battering or

extreme cruelty in cases requiring their decision. The existence of psychological abuse that fits into the category of dominance and isolation should be treated not only as evidence relevant to any domestic violence adjudication, but as a clear indicator that physical and sexual abuse is likely to be present in the relationship. The survey's results also emphasize the important issues for family court judges deciding custody and protection order matters. When the battered woman before the court is an immigrant, the court should take seriously both threats to harm the victim's family members and threats to harm children, as these threats are both serious and significantly more likely to be present in relationships that are also physically and sexually abusive. In addition, the findings support the experience of battered women's advocates and attorneys that immigrant women experience high levels of threats of child abduction. The immigrant women interviewed reported high rates of threats of child abduction. Advocates and attorneys representing battered immigrants in family law matters often encounter courts which do not take threats against family members or threats to abduct children seriously. Trainers of judges and INS adjudicators should use these findings to educate decision makers on the real dangers that these threats pose.

#### NOTES

- 1 Author's Note: Giselle Aguilar Hass, Psy.D., American School of Professional Psychology; Mary Ann Dutton, Ph.D. George Washington University; Leslye Orloff, J.D. Director, Immigrant Women Program and Senior Staff Attorney, NOW Legal Defense and Education Fund. Ms. Orloff was previously the Director of the National Policy Project at Ayuda, Inc. where she was involved in the development and implementation of this study.

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- 2 Hispanics, as denoted by the U.S. Bureau of Census, refer to individuals with Spanish background. Latinos is the term used in this article to denote U.S. immigrants from Latin-American countries.
- 3 Ayuda is a non-profit community based agency which has for over 13 years offered legal and social services to battered immigrant women and children living in the D.C. metropolitan area.
- 4 When each woman was interviewed, she was asked to provide the names of friends and acquaintances who might also be interested in participating in the interviews. Those referrals were contacted and invited to participate in the study.



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