

## SYMPOSIUM BRIEFING PAPERS

### Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications

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*This Briefing Paper examines the obstacles for battered Latina women to preventing or escaping abuse and the services which are actually used to escape abuse. The Briefing Paper surveys the literature and then explores the results of a survey designed and conducted by AYUDA among Latinas in Washington, DC. The results of the survey demonstrate that the most common services used by battered women are immigration, medical and other social services. The authors also set forth suggestions for professionals who come into contact with battered women. Because battered Latina women tend not to seek help specifically for domestic violence, professionals from whom they do seek other services such as immigration lawyers and health care workers must have a heightened awareness of signs of abuse, and be sensitive to*

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*cultural differences, in order to offer safe and effective assistance to immigrant battered women. In addition, in order to reach these women, literature and advertisements about abuse must be in Spanish, discussed and distributed using radio and television public service announcements. Information about battering, protection orders, immigration and public benefits, and shelter services most effectively disseminated through community based, grassroots, woman to woman programs because battered Latina women most often turn to other women in their communities to disclose domestic violence and seek help. Professionals must educate themselves about the legal rights of and support services available to immigrant battered women and help distribute this information to all immigrant women whom professionals encounter. Since battered immigrants most often turn for help to other women in their community, providing information about legal rights and social services available to help battered women to all immigrant women regarding abuse, without regard to their own personal histories, will help enhance the access immigrant women have to this life saving information.*

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## INTRODUCTION

This study examines the availability of resources to battered immigrant Latinas and their strategic responses to intimate partner abuse. An understanding of these issues is necessary to develop and evaluate the social and community supports necessary to assist battered immigrant Latinas and their children. The present study will analyze immigrant Latinas' help-seeking behaviors within the context of the variables that can serve as obstacles or supports to their efforts to avoid, escape, resist, or stop their abuse. Finally, outreach and educational efforts, service delivery to battered immigrants, access to the welfare safety net, culturally sensitive services for battered immigrants, and the need for legislative reform to assist battered immigrants will be discussed in an examination of public policy implications of this research.

A woman's experience and response to intimate violence is a reflection of her social conditions, resources and available options.<sup>1</sup> For example, girls and young women (age 16 to 24), and women from low-income households, experience the most violence by an intimate partner.<sup>2</sup> Although Hispanic<sup>3</sup> ethnicity has not been statistically associated with the level of risk,<sup>4</sup> ethnic differences may influence battered women's help-seeking strategies and available resources.

Resources are vital to battered women's survival and their ability to avoid or resist the violence. Research indicates that support from family, friends, legal professionals, other professional help, and the community at large is important to the recovery and readjustment of victims.<sup>5</sup> In this sense, the cultural and

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1. See generally Mary Ann Dutton, *Battered Women's Strategic Response to Violence: The Role of Context*, in *FUTURE INTERVENTIONS WITH BATTERED WOMEN AND THEIR FAMILIES* 105 (J.L. Edelson & Zvi C. Eisikovits eds., 1996).

2. See BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUST., *VIOLENCE BY INTIMATES: ANALYSIS OF DATA ON CRIMES BY CURRENT OR FORMER SPOUSES, BOYFRIENDS, AND GIRLFRIENDS* 13, 14 (1998).

3. This article will use the term Hispanic to denote individuals of Spanish descent, and use the term Latinos to refer to individuals originating from Latin America.

4. See BUREAU OF JUSTICE STATISTICS *supra* note 2, at 13 (featuring a chart reflecting that Hispanics experience either the same or less violent victimization than non-Hispanics).

5. See Millie C. Astin et al., *Post-traumatic Stress Disorder Among Battered Women: Risk and Resiliency Factors*, 8 *VIOLENCE AND VICTIMS* 24 (1993) (concluding that positive factors (social/material/emotional support and religiosity) serve as a resource pool and are associated with lower levels of PTSD in battered women). See also Roger E. Mitchell & Christine A. Hodson, *Coping with Domestic Violence: Social Support and Psychological Health Among Battered Women*, 11 *AM. J. OF COMMUNITY PSYCH.* 629 (1983) (examining the relation between stress, social support, and coping mechanisms); C.

socio-economic setting of domestic violence against Latina victims can heighten those victims' potential vulnerability when attempting to survive away from the abusive partner.

Women use many strategies to escape, avoid, and stop the violence and abuse against them. These include: 1) legal strategies (calling the police, seeking legal services, or obtaining a protection order); 2) formal help-seeking strategies (such as going to a shelter, clergy, or social service); 3) informal help-seeking strategies (*i.e.* telling others, asking others to intervene); 4) escape or avoidance behaviors (e.g., barricading self in room, leaving); 5) separation or divorce; 6) hiding or disguising one's whereabouts, place of employment or location of children's schools; 7) coerced compliance with and/or anticipation of the batterer's requests or desires; 8) acts of self-defense (physically resisting or blocking, striking, using weapons); 9) relying on children to seek help or protect against the abuse (asking children to call the police or help to fight back); and 10) individualized, unique behaviors used as strategies to respond to violence or abuse (e.g., a mother putting her children on a couch away from her, so that if her husband fired a gunshot at her the children would be further away).<sup>6</sup> Bowker's study of battered women's responses and their perceived efficacy reported that personal strategies (*i.e.* talking to partner) were less effective than informal help strategies (*i.e.* talking to a friend), which in turn were less effective than formal help resources (*i.e.* going to a shelter).<sup>7</sup> His data suggest that battered women progress from personal to formal strategies to end the violence. Each time a battered woman employs any type of strategy successfully, its effectiveness serves to strengthen her perception of control and related feelings of self-esteem. Conversely, when a battered woman's strategy is unsuccessful, her perception of control is diminished. Thus, a sensitive, adequate, and effective system of community, legal, and social supports is critical to battered women as they make their way through a labyrinth of obstacles toward ending the violence in their lives.

Latinas, like other battered women, make attempts to avoid, escape, and resist their batterers and protect themselves and their children. Research literature has found that Latinas do not differ from other ethnic groups in their help-seeking attempts prior to entering a shelter. They sought about the same amount of assistance as members of other ethnic groups, although the types of help sought and the help's effectiveness differed from help sought by other women.<sup>8</sup> This may be due, in part, to the fact that available resources influence the effective-

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Tan et al., *The Role of Social Support in the Lives of Women Exiting Domestic Violence Shelters: An Experimental Study*, 10 J. OF INTERPERSONAL VIOLENCE 447-48 (1995).

6. See MARY ANN DUTTON, *EMPOWERING AND HEALING THE BATTERED WOMAN: A MODEL FOR ASSESSMENT AND INTERVENTION* 41 (1992).

7. See Lee Bowker, *Marital Rape: A Distinct Syndrome?*, 64 SOCIAL CASEWORK: THE J. OF CONTEMP. SOCIAL WORK 347-52 (1983).

8. See Edward W. Gondolf et al., *Racial Differences Among Shelter Residents: A comparison of Anglo, Black, and Hispanic Battered*, 3 J. OF FAMILY VIOLENCE 48-49 (1988).

ness of battered women's strategies and the unfortunate circumstance that Latinas may have less access to these resources than do other groups of women.

Thus, an analysis of battered women's help seeking behavior needs to be intimately linked to an understanding of service needs and available resources. In this briefing paper, we utilize a nested ecological model to analyze battered women's strategic response to the violence.<sup>9</sup> The model incorporates multiple nested levels: 1) the individual battered woman (e.g., her personal history and its meaning to her); 2) the woman's personal network including family, friends, workplace (microsystem); 3) the linkages between the networks or systems defining the battered woman's social environment (mesosystem); 4) the larger community institutions and other networks (exosystem); 5) the societal and cultural blueprint dictated by the cultural, ethnic groups and social class factors (macrosystem); and 6) economic and tangible resources vital to the battered woman and her children's daily needs.<sup>10</sup> This conceptual model defines the context of women's lives and helps articulate the various layers of both obstacles and resources that influence women's responses to intimate partner violence and abuse.

## I. BACKGROUND

Factors influencing immigrant battered women at the individual level should be understood from the intersection of the resources actually available to the woman and the perception the woman has of the barriers she encounters to escaping the abuse. It has been established that, in general, battered women often fail to escape from a battering relationship because of social obstacles such as lack of social support, expectations based on sex roles, and past family history of abuse.<sup>11</sup> Battered Latinas often marry younger, have larger families, are more economically and educationally disadvantaged, have been victims of violence for longer periods of time, and stay longer in the relationship than Caucasian or African-American battered women.<sup>12</sup> They are also unlikely to

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9. See Dutton, *supra* note 1, at 111, 112, 116 (demonstrating the adaptation of the nested ecological model to battered women's experience).

10. See *id.* at 111-12 (1996) (listing six systems involved in a nested ecological model analysis).

11. See Murray A. Straus & Christine Smith, *Violence in the Hispanic Families in the United States: Incidence Rates and Structural Interpretations*, in MURRAY A. STRAUS & RICHARD J. GELLES, *PHYSICAL VIOLENCE IN AMERICAN FAMILIES* 341, 364 (1990). See generally LENORE E. WALKER, *THE BATTERED WOMAN SYNDROME* (1984).

12. See Gondolf et al., *supra* note 8 at 48-49. See also S. Torres, *A Comparison of Wife Abuse Between Two Cultures: Perceptions, Attitudes and Extent*, 12 *ISSUES IN MENTAL HEALTH NURSING* 126 (1991) [hereinafter Torres, *A Comparison of Wife Abuse*] (reporting a finding of 40% of Mexican Americans having been in the relationship more than 5 years compared with 20% of Anglo women); Carolyn M. West et al., *Sociodemographic Predictors and Cultural Barriers to Help-Seeking Behavior by Latina and Anglo American Battered Women*, 13 *VIOLENCE AND VICTIMS* 361, 371 (1998) (finding battered Latinas to be younger and more educationally and economically disadvantaged than their Anglo counterparts).

classify such actions as pushing, shoving, grabbing, and throwing things at them as physical abuse.<sup>13</sup> Latinas experience more conflict with their abusers over decision making, housekeeping money, the woman's going out, and her pregnancies.<sup>14</sup> They report more unpredictability in the episodes of abuse and are more frequently hit in front of their children and relatives.<sup>15</sup>

These social disadvantages, combined with difficulties in obtaining secure financial status without relying on the partner's economic help after separation, force some battered women to choose between enduring the violence and living in poverty.<sup>16</sup> For many battered immigrant Latinas, economic factors pose a significant barrier to their escape from the domestic violence; these factors include financial dependence on the batterer, lack of formal education, and lack of employment skills.<sup>17</sup> However, a Latina's higher level of financial independence has been associated with higher levels of abuse.<sup>18</sup> Women with higher levels of stress also experienced higher levels of abuse. Specifically, stressors relative to being an immigrant (lack of English proficiency, prejudice, etc.) have been found to contribute to the abuse.<sup>19</sup>

For immigrant Latinas, the issues inherent in their immigration and residency status in the U.S., together with their having fewer personal resources and limited access to community resources as new arrivals, add to their disadvantage and entrap them further in the intimate violence. A wide-range study of immigrant Latina and Filipina women conducted by the Immigrant Women's Task Force of the Coalition for Immigrant and Refugee Rights and Service reported that 34% percent of Latinas surveyed admitted experiencing domestic violence, 48% indicated that the level of violence increased with their immigration to the U.S., and 52% reported that they were still with the batterer.<sup>20</sup> Forty-eight percent of the Latinas interviewed spoke no English, and another 38% knew only basic English.<sup>21</sup> Among the immigrants surveyed, Latinas had the lowest incomes.<sup>22</sup> Most working Latinas surveyed worked only part-time. Of the immigrant Latina women who were not working, 53% were supported by their husbands and 20% by other family members.<sup>23</sup> Sixty percent of the

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13. See Torres, *A Comparison of Wife Abuse*, *supra* note 12 at 127.

14. See Julia L. Perilla et al., *Culture and Domestic Violence: The Ecology of Abused Latinas*, 94 VIOLENCE AND VICTIMS 336 (1994).

15. See Torres, *A Comparison of Wife Abuse*, *supra* note 12 at 127.

16. See DUTTON, *supra* note 6, at 81 (noting that lack of economic resources is a major obstacle to using some methods to escape abuse).

17. See Straus & Smith, *supra* note 11, at 364. See generally LENORE E. WALKER, *THE BATTERED WOMAN SYNDROME* (1984).

18. See Perilla et al., *supra* note 6.

19. See *id.* at 337.

20. CHRIS HOGELAND & KAREN ROSEN, *COALITION FOR IMMIGRANT AND REFUGEE RIGHTS AND SERVICES, DREAMS LOST, DREAMS FOUND: UNDOCUMENTED WOMEN IN THE LAND OF OPPORTUNITY* (1990).

21. See *id.*

22. See *id.*

23. See *id.*

immigrant Latina women had from one to three children and 17% had from four to eight children.<sup>24</sup> These findings suggest that the personal resources and socio-economic conditions for battered immigrant Latinas are a challenge to the self-reliance which often accompanies successful strategies to escape, avoid or resist a violent partner. A subgroup of battered immigrant Latinas who are even more vulnerable are undocumented immigrants, as their immigration status limits even further their access to resources for escaping intimate violence.

All women in domestic abuse situations may have a better chance of survival if they seek help. Often a victim of abuse turns to a social support system to seek protection against further violence or for help to recover from the effects of violence.<sup>25</sup> Indeed, a high level of social support and intervention from kin or neighbors in potentially volatile marital situations has been found essential in those societies with low rates of family violence.<sup>26</sup> Dutton, Hoenecker, Halle and Burghardt, found that women who were charged with killing their intimate partners were more severely abused, were more isolated with less emotional support, and reported fewer options to deal with the battering than help-seeking battered women.<sup>27</sup> In another investigation of social support, coping responses, and psychological health among battered women, researchers found that less help from institutional sources together with avoidance responses from friends were associated with greater depression in battered women.<sup>28</sup> In this study, women who experienced severe violence and had fewer personal resources (e.g., job skills, education and employment) were less likely to have social contact with family and friends and reported fewer supportive individuals in their lives.<sup>29</sup> These findings suggest a cumulative effect in which limited personal resources serve as an obstacle to informal networking.

Given the importance of social support to victims of violence in general, it is likely that for battered Latinas the establishment and response of their social and cultural milieu is a crucial issue as well. This is particularly true as the research literature has identified reliance on nuclear and extended family members as the main source of emotional support for Latinos.<sup>30</sup> However, the research literature suggests that this general conclusion is more complex for Latinas. Battered Latinas have been found to underutilize informal resources as compared to other battered women.<sup>31</sup> This underutilization may be related to problems in the informal support network as a viable resource, rather than a

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24. *See id.*

25. *See Mitchell & Hodson, supra note 5, at 630.*

26. *See D. Levinson, Family Violence in Cross-Cultural Perspective, in HANDBOOK OF FAMILY VIOLENCE 452 (V.B. Van Hasselt et al. eds., 1988).*

27. Mary Ann Dutton et al., *Traumatic Responses among Battered Women who Kill*, 7 J. OF TRAUMATIC STRESS 558 (1994).

28. *See Mitchell & Hodson, supra note 5, at 630.*

29. *Id.*

30. *See William A. Vega, Hispanic Families in the 1980s: A Decade of Research*, 52 J. OF MARRIAGE & THE FAM. 1015, 1018 (1990).

31. *See West et al., supra note 12, at 371 (1998).*

reflection of the woman's personal attitudes about it, since establishment of an interpersonal support system can be difficult. The immigration process often leads to the fragmentation of the extended family which Latina women could traditionally rely upon to resolve conflict.<sup>32</sup> In addition, the presence of relatives who witness the violence may not deter the batterer, as research has found that family members in Latino cultures may ignore or condone intimate violence.<sup>33</sup> For those able to reestablish woman to woman supportive friendships in this country, those resources may begin to provide much needed support to immigrant Latina women.

Social isolation, exacerbated by lack of social contacts, geographic isolation, and limited mastery of English or cultural alienation, increases the risk for family violence because it interferes with detection and accountability, makes it easier for the batterer to ignore social sanctions, promotes increased marital dependence and increases intra-familial exclusivity and intensity.<sup>34</sup> Exclusivity and intensity of relationships in which the batterer depends on his partner as a sole source of support, love, intimacy, and problem solving has been found frequently among men who batter.<sup>35</sup>

Not only do Latinas tend to use informal strategies to avoid domestic violence less often than do other battered women, but they also tend to use formal strategies less often. Immigrant battered women may be reluctant to report the violence due to the lack of understanding of their legal rights and their undocumented immigrant status, resulting in fear of detection and deportation. A study of battered Caucasian, African-American, and Latina women living in a shelter found that of all groups Latinas were the least likely to contact a friend, minister, or social service agency for help.<sup>36</sup> The authors concluded that burdened by language differences, discrimination, and limited mobility, Latinas' ability to seek help was also hindered by the fact that a substantial number of them were undocumented immigrants and therefore their eligibility for formal supports from government services was more limited than for other survey participants.<sup>37</sup> Immigrant status may deter a Latina from seeking assistance from community institutions,<sup>38</sup> as Latinas who are undocumented or have unstable legal residency status may mistakenly believe that seeking help from

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32. See A.B. Ginorio et al., *Psychological Issues for Latinas*, in BRINGING CULTURAL DIVERSITY TO FEMINIST PSYCHOLOGY: THEORY, RESEARCH AND PRACTICE 241, 248 (H. Landrine ed., 1995).

33. See Gondolf et al., *supra* note 8, at 49.

34. See Joyce McCarl Nielson et al., *Social Isolation and Wife Abuse: A Research Report*, in INTIMATE VIOLENCE: INTERDISCIPLINARY PERSPECTIVES 49, 49 (Emilio C. Viano ed., 1992). See also Bruce J. Rounsaville, *Theories in Marital Violence: Evidence from a Study of Battered Women*, 3 VICTIMOLOGY: AN INT'L J. 11, 21 (1978).

35. See DONALD G. DUTTON, *THE ABUSIVE PERSONALITY: VIOLENCE AND CONTROL IN INTIMATE RELATIONSHIPS* 45, 48 (1998).

36. See Gondolf et al., *supra* note 8, at 49.

37. See *id.*

38. See S. Torres, *Hispanic-American Battered women: Why consider cultural differences?*, 10.3 RESPONSE 21 (1987).

social services will lead to their deportation.<sup>39</sup> Enlightened, culturally sensitive institutional policies and practices concerning violence are essential, even more than for other battered women. Immigrant battered women also contend with experiences in their country of origin or fears of deportation which undermine their belief that they can successfully use formal strategies.

Further, other negative expectations about the availability of help and conflicting beliefs regarding help seeking behavior may also limit immigrant women's utilization of services. For instance, the low utilization of mental health and health services by Latina and African-American women who are insured has been reported, with Latina women utilizing even fewer overall numbers of sessions than other ethnic groups when they do use health services.<sup>40</sup> Another important cultural issue to take into consideration when understanding help-seeking behavior is that some Latinas turn for help first from the healing arts, rather than the justice or social service system.<sup>41</sup> This is not surprising, given the significant value spirituality and religiosity have in the Latino culture.<sup>42</sup> Indeed, researchers studying help seeking behaviors among battered Latinas should consider nontraditional, community based, and supportive woman to woman culturally appropriate strategies to cope, escape, avoid, resist, and stop the abuse.

When immigrant battered women manage to surmount both the personal and cultural barriers discussed above and ask for assistance, still more barriers exist within the systems intended to help them. Though the general population of women facing poverty can get economic assistance through public programs, immigrant women must jump higher hurdles on the path to that assistance because immigration status influences eligibility for public benefits. While most undocumented battered immigrants do not qualify to receive public benefits, those who are abused by United States citizen and lawful permanent resident spouses or parents can now access certain critical public benefits, either once they have filed for relief under the Violence Against Women Act's Immigration provisions,<sup>43</sup> or if their spouse or parent has filed a family-based visa petition with the Immigration and Naturalization Service (INS). Other battered immigrants who do not themselves qualify may be able to receive public benefits on behalf of their children who qualify. Well administered and sensitively developed, public benefits can make a critical difference in an immigrant battered

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39. See generally HOGELAND & ROSEN, *supra* note 20 (reporting the extent to which fear of deportation precludes immigrants from seeking social services).

40. See Deborah K. Padgett et al., *Women and Outpatient Mental Health Services: Use by Black, Hispanic, and White Women in a National Insured Population*, 21 THE J. OF MENTAL HEALTH ADMIN. 347, 352-54 (1994).

41. See West et al., *supra* note 12, at 371.

42. See Nancyann N. Cervantes & Joseph M. Cervantes, *A Multicultural Perspective in the Treatment of Domestic Violence*, in BATTERING AND FAMILY THERAPY 156, 163 (Marsali Hansen & Michele Harway eds., 1993).

43. The Violence Against Women Act of 1994, Pub. L. No. 103-322, Title IV, 108 Stat. 1902 (codified in scattered sections of 8 U.S.C.) [hereinafter VAWA].

woman's self-reliance and ability to safely escape from a violent relationship. This is particularly true when considering that it may be the only source of support available to many battered immigrant Latinas given the limitations in terms of personal resources and social supports they suffer. Despite some expansion of battered immigrant access to public benefits, the latest enactment of complex and overlapping laws regarding the intersection of public benefits and immigration have often made things more difficult for immigrant battered women.<sup>44</sup>

A survey conducted by Equal Rights Advocates on immigrant women and welfare reform found that among the women who have been recipients of the AFDC/CalWorks 71.4% of the Mexican women reported having experienced domestic violence.<sup>45</sup> When the entire sample of 150 immigrants was asked for their sources of support they named public assistance programs (particularly MediCal, food stamps, AFDC/CalWorks, and the free lunch program for their children), household member's earnings, and child support payments.<sup>46</sup> Still, one-half of the Mexican women indicated that their children or themselves have "often" or "sometimes" not had enough to eat, and Mexican women were more than twice as likely to share their house with an unrelated adult.<sup>47</sup> Job search, English classes, job training, job retention, and vocational education were at the top of the list of other support services used by immigrant women.<sup>48</sup> Twenty-five percent of the women reported that their English speaking difficulties were a barrier to receiving services, and almost half the women reported that transportation and child care was essential to their ability to work.<sup>49</sup> The results of this study concluded that the immigrant women surveyed preferred having a job to being on welfare, but their lack of English or job skills was a significant barrier to obtaining and securing a good job.<sup>50</sup> Further, their lack of supports and skills heightens their need for jobs that provides security and health benefits.<sup>51</sup> The public assistance programs surveyed were inadequate, as the women's ability to participate in those benefits was obstructed by language inaccessibility and problems with dissemination of information within those programs.<sup>52</sup> The ability of these immigrant women to be self-sufficient appeared to be hampered

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44. See EMILY GOLDFARB, THE NATIONAL NETWORK ON BEHALF OF BATTERED IMMIGRANT WOMEN, CAUGHT AT THE PUBLIC POLICY CROSSROADS: THE IMPACT OF WELFARE REFORM ON BATTERED IMMIGRANT WOMEN 4 (1999).

45. AFDC/CalWorks stands for Aid for Families with Dependent Children with the California Work Opportunity and Responsibility Act which, with some exceptions, established a limit of five years for receipt of aid. See ROSINA M. BECERRA, EQUAL RIGHTS ADVOCATES, IMMIGRANT WOMEN & WELFARE REFORM: SURVEY FINDINGS, FINAL REPORT 13 (1999).

46. See *id.* at 30.

47. See *id.*

48. See *id.* at 31.

49. See *id.*

50. See EQUAL RIGHTS ADVOCATES, FROM WAR ON POVERTY TO WAR ON WELFARE: THE IMPACT OF WELFARE REFORM IN THE LIVES OF IMMIGRANT WOMEN 48 (1999).

51. See *id.*

52. *Id.* at 13.

by their disadvantaged backgrounds and the inadequacies of the public assistance system.

Not only are economic programs unequally available to battered immigrant Latinas, but social programs may also be unequally available, both in reality and in the perception of the women who seek help. Evidence suggests that social service agencies themselves may unwittingly create barriers, for some of their organizational characteristics, such as location, professional background of staff, Spanish-speaking capabilities, ethnicity of staff and planning board, are not responsive to or reflective of the unique needs of Latinas.<sup>53</sup> Battered women also often encounter weak or negative responses from the criminal law enforcement system when they ask for help in stopping the violence.<sup>54</sup> Prosecutors, courts, and even shelters are often slow to respond or are insensitive to the special needs of immigrant and refugee women, which can lead to further frustration and early drop-out. All too often, the police are reluctant to interfere in domestic disputes. One study found that often police officers believe that marital problems are private matters, feel the need to strengthen male authority in the home, believe the violence was justified, feel uncomfortable talking to the victim, or act in order to preserve the family unit rather to protect the woman.<sup>55</sup> Further, some police officers are violent in their own homes or feel they do not have the moral authority to arrest the batterer.<sup>56</sup>

The attitudes regarding violence toward women embedded in the battered immigrant's cultural, ethnic, and social class are intertwined with the attitudes she encounters in the host society. The host society's values and beliefs are, in turn, communicated through the response the battered immigrant woman receives from individual social networks, the larger arena of her workplace, and her entire community. For immigrant Latinas, the societal response to her immigration status, ethnic diversity, and social conditions may be adverse; it has been documented that discrimination and oppression are frequent experiences for Latinas.<sup>57</sup> When they are also victims of abuse in their homes, their risk of further societal discrimination and abuse is multiplied. Although there are some theorists that argue that cultural values in the Latino background feed gender power inequities that result in intimate violence, those values exist in many other cultures and do not fully determine the responses of the victims and their

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53. See Susan E. Keefe & J. Manuel Casas, *Mexican Americans and Mental Health: A Selected Review and Recommendations for Mental Health Service Delivery*, 8 AM. J. OF COMMUNITY PSYCH. 303, 319-20 (1980). See also Stanley Sue et al., *Community Mental Health Services for Ethnic Minority Groups: A Test of the Cultural Responsiveness Hypothesis*, 59 J. OF CONSULTING AND CLINICAL PSYCH. 533, 539 (1991).

54. See Murray A. Straus, *Wife Beating: How Common and Why?*, 2 VICTIMOLOGY: AN INT'L J. 443, 455 (1978). See also LENORE E. WALKER, *THE BATTERED WOMAN* 206-10 (1979).

55. See D.G. Saunders, *The Tendency to Arrest Victims of Domestic Violence: A Preliminary Analysis of Officer Characteristics*, 10 J. OF INTERPERSONAL VIOLENCE 155, 155-56 (1995).

56. See *id.*

57. See Melba J.T. Vasquez, *Latinas*, in *WOMEN OF COLOR: INTEGRATING ETHNIC AND GENDER IDENTITIES IN PSYCHOTHERAPY* 114, 125 (Lillian Comas-Diaz & Beverly Greene eds., 1994).

communities to them. In U.S. society, acceptance of violence as portrayed by insensitive court decisions, laws, law enforcement agents, and public assistance programs which were designed to protect her can be as detrimental to a battered woman as the violence itself. Institutionalized social factors that maintain gender inequities contribute to the perpetuation of domestic violence.<sup>58</sup> The immigrant battered Latina's perception of her alternatives and subsequent ability to escape, avoid, resist, or stop the violence is weakened by unsupportive environments both in her cultural community and in U.S. society at-large.

Even with some reservations, most battered women's agree that there is currently an increased awareness of domestic violence, enhanced screening procedures, stronger protective laws and extensive systems of support. However, the battered women's movement has failed to integrate race and ethnicity into our understanding and responding to domestic violence.<sup>59</sup> The immigrant battered Latina may easily fall between the cracks of available complex systems of help because the unique web of contextual layers reflected in the nested ecology of her life may necessitate more individualized, coordinated, and comprehensive responses.

## II. PURPOSE OF PRESENT STUDY

In 1992, Ayuda<sup>60</sup> undertook a research project modeled after the Coalition for Immigrant and Refugee Rights and Services (CIRRS) Immigrant Women's Task Force study, to more closely examine domestic violence and assess the needs and living conditions among Latina immigrant women. 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, DC, metropolitan area. This article reports the project's research findings, which focus on the intersection between domestic violence, immigration, help-seeking behaviors, and service utilization.

## III. DESIGN AND METHODOLOGY

### A. Participants

Criteria for women to be eligible to participate were: immigration to the U.S. within her lifetime, without consideration for her immigration status; and being

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58. R. Emerson Dobash & Russell P. Dobash, *Wives: The 'Appropriate' Victims of Marital Violence*, 2 VICTIMOLOGY: AN INT'L J. 426, 426 (1978).

59. Valli Kanuha, *Domestic Violence, Racism and the Battered Women's Movement in the United States*, in FUTURE INTERVENTIONS WITH BATTERED WOMEN AND THEIR FAMILIES, *supra* note 1, at 34, 35.

60. Ayuda is a non-profit community based agency that has for over 14 years offered legal and social services to battered immigrant women and children living in the DC metropolitan area.

a native Spanish speaker. Latina women from the Washington, D.C. metropolitan area were recruited through fliers as well as through a snowball approach.<sup>61</sup> Participants were informed of the procedures and told that this study was a needs assessment conducted by a community agency and was not related in any way to Immigration and Naturalization Services. Privacy and confidentiality were assured. At the end of the interview each participant was provided with a list of referrals to community-based agencies that could assist them with any problems they reported or may encounter in the future. Participants who disclosed experiencing domestic violence were invited to join *Hermanas Unidas*, a local support group for battered women.

In order for the interviewee to be included 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 ( $n = 278$ ).<sup>62</sup> This group of immigrant women surveyed was further divided into three categories defined as: 1) Physically and/or Sexually Abused, 2) Psychologically Abused Only, and 3) Non-Abused Immigrants. A second group subsample of immigrant Latinas were clients of the agency or had discussed the domestic violence with others, and were seeking assistance to escape from the violence. This group was identified as the Help-Seeking ( $n = 59$ ) sample. All of the women in the Help-Seeking sample were physically and/or sexually abused women.

### *B. Survey Instrument*

The structured interview survey instrument was an adaptation of the CIRRS survey.<sup>63</sup> The survey included a set of 269 multiple choice, yes or no, semi-structured, and open-ended questions. The questions were 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 the Ayuda staff using a series of focus groups with members of *Hermanas Unidas* (a Washington, DC based support and leadership development group for Latina survivors of domestic violence). The survey was further reviewed by research, public health, and domestic violence consultants. The survey instrument was simultaneously developed in both English and Spanish. All interviews were conducted in Spanish

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61. 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.

62. The form ( $n = x$ ) will be used to note the size of the sample or the number of respondents who responded in a particular way.

63. HOGELAND & ROSEN, *supra* note 20.

and the answers noted on the Spanish version of the survey form. Interviewers were nine immigrant Latinas, of low economic levels who lived in the community, and were themselves survivors of a battering relationship. Before beginning to talk about domestic violence, they disclosed to the participants that they had suffered violence in their homes and that they knew that this was a common experience for many women. This disclosure was aimed at helping make interviewees feel more comfortable about disclosing their own personal history of victimization if applicable.

### *C. Analysis*

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

## IV. RESULTS

### *A. Sample Characteristics*

The sample of Latina immigrants recruited from the general population was first identified by abuse status: No Abuse (n = 107, 38.3%), Psychological Abuse Only (n = 33, 11.8%), or Physical and/or Sexual Abuse (n = 139, 49.8%) (see Table 1). An additional sample of known help-seeking abused women was also included in the study. Thus, the overall sample was also divided into two physically, sexually, and/or psychologically abused groups based on their Help-Seeking (n = 59) or General Population (n = 171) status (see Table 2). Overall, the largest proportion of women in all General Population groups were between 30-41 years of age (47.1%), unpartnered (*i.e.* single, separated, divorced, or widowed) (56.5%), employed full- or part-time (52.9%), earned less than \$9,000 annually (61.8%), spoke and read little or no English (78.7%), read Spanish very well (62.4%), had 5-12 years of education (65.9%), were undocumented immigrants (48%), originated from El Salvador (46.6%), had a spouse who is a U.S. Citizen or lawful permanent resident (52.6%), and had at least one child whose father was an undocumented immigrant (63%). It is important to note that although almost half of the sample were working, their incomes were extremely low. There was no significant difference in the rates of employment for immigrant women with respect to whether they were partnered or unpartnered for any of the groups in the general population.

Demographic characteristics were examined for the three and two group comparisons. Age was the only variable for which the three groups differed

significantly. There were more women under 30 years of age in the No Abuse and in the Physical and/or Sexual Abuse groups than in the Psychological Abuse Only group. There were also more women under 30 years of age abused in the General Population than in the Help-Seeking group.

Among immigrant Latinas who reported being currently married, or having been previously married, the physical and sexual abuse rate was higher (59.5%) than for the general population (49.8%). A large proportion of the married physically and/or sexually abused women surveyed were married to U.S. citizens or lawful permanent residents (47.8%). Although citizens and lawful permanent residents can file papers asking the Immigration and Naturalization Service to grant legal immigration status to their immigration spouses, 72.3% of the physically and/or sexually abused married women surveyed reported that their spouse had never filed immigration papers on their behalf. When U.S. citizens and lawful permanent residents had filed immigration papers the mean delay in filing in cases of physical and/or sexual abuse was 3.97 years.

### *B. Importance of Resources*

Participants rated the level of importance of various resources on a scale of one (very important) to four (not important) (see Table 3). Where there were significant differences among the general population sample, the Physical/Sexual abuse sample rated the importance of resources higher than did either of the other two groups. These differences were significant for battered women's services, two categories of economic and tangible resources (*i.e.* food, unemployment aid), legal assistance, three categories of child-related services (*i.e.* child support, child care, child abuse services), and four categories of health care services (*i.e.* reproductive health care, child health care, maternal health care, and alcohol and drug programs). There were fewer differences between the Help-Seeking and General Population abused women. In these cases, the General Population abused women rated as more important food (1.7 vs. 2.3,  $F = 9.2$ ,  $df = 1$ , 174,  $p \leq .01$ ), clothing (1.9 vs. 2.2,  $F = 4.9$ ,  $df = 1$ , 168,  $p \leq .05$ ) and educational (1.6 vs. 1.8,  $F = 4.9$ ,  $df = 1$ , 168,  $p \leq .05$ ) resources.

### *C. Interpersonal Support*

Abused women were asked to whom they had spoken about their experience of domestic violence (see Table 4). Overall, half of the abused women had spoken to a female friend, a third of the women to a mother, and about a fifth to a sister. More than twice as many women in the Help-Seeking group turned first to a female friend than to any other individual or group for support. In the General Population abused group, more than twice as many women spoke first either to a female friend or mother than to a sister. It is interesting that

**TABLE 1. SAMPLE DEMOGRAPHIC CHARACTERISTICS BY ABUSE TYPE (PERCENTAGES)**

Demographic Variables	General Population			
	Physical &/or Sexual Abuse n = 139	Psych Abuse, Only n = 33	No Abuse n = 107	Total n = 279
Age <sup>a</sup>				
14-23	13.2	9.1	20.6	15.6
24-29	34.6	15.2	29.0	30.1
30-41	47.8	63.6	41.1	47.1
42-56	4.4	12.1	9.3	7.2
Marital Status				
Partnered <sup>b</sup>	46.0	53.1	37.4	43.5
Unpartnered <sup>c</sup>	54.0	46.9	62.6	56.5
Employed				
Full or part time	56.8	39.4	51.9	52.9
Unemployed	43.2	60.6	48.1	47.1
Average Income				
Below \$9,000	61.6	61.5	62.0	61.8
\$9,001 to \$18,000	32.9	38.5	36.0	34.6
\$18,001 to \$27,000	5.5	0.0	2.0	3.7
English Speaking Ability				
None	38.4	50.0	41.1	40.8
Very little	38.4	28.1	40.2	37.9
Moderate	14.5	12.5	12.1	13.4
Very good	8.0	9.4	6.5	7.6
English Reading Ability				
None	52.9	54.5	50.5	50.5
Very little	25.7	27.3	30.8	27.0
Moderate	15.4	9.1	12.1	13.1
Very good	5.9	9.1	6.5	7.1
Spanish Reading Ability				
None	9.4	3.0	1.9	5.7
Very Little	10.1	24.2	16.7	14.3
Moderate	17.4	18.2	17.6	17.6
Very Good	63	54.5	63.9	62.4

**TABLE 1. SAMPLE DEMOGRAPHIC CHARACTERISTICS BY ABUSE TYPE (PERCENTAGES)**

Demographic Variables	General Population			
	Physical &/or Sexual Abuse n = 139	Psych Abuse, Only n = 33	No Abuse n = 107	Total n = 279
Education				
0 to 4 years	24.6	21.2	22.2	23.3
5 to 12 years	63.0	69.7	68.5	65.9
High school grad	9.4	3.0	9.3	8.6
College or beyond	2.9	6.1	0.0	2.2
Immigration Status				
USC/LPR <sup>d</sup>	23.8	26.7	22.3	23.6
Temporary <sup>e</sup>	26.9	33.3	28.7	28.3
Undocumented	49.2	40.0	48.9	48.0
Time in U.S. (years)	4.7	5.7	5.2	5.1
(S.D.)	(3.85)	(4.48)	(3.87)	(3.94)
Country of Origin				
El Salvador	46.3	50.0	46.0	46.6
Guatemala	11.0	6.3	9.0	9.7
Dominican Rep	8.1	6.3	12.0	9.3
Honduras	5.9	3.1	5.0	5.2
Other Latin	28.7	34.4	28.0	29.1
Spouse Immigration Status				
USC/LPR <sup>d</sup>	47.8	53.3	62.5	52.6
Temporary <sup>e</sup>	10.1	20.0	6.3	10.3
Undocumented	42.0	26.7	31.3	37.1
Father of Child Immigration Status				
USC/LPR <sup>d</sup>	41.7	50.0	18.2	33.3
Temporary <sup>e</sup>	8.3	0.0	0.0	3.7
Undocumented	50.0	50.0	81.8	63.0

<sup>a</sup>3-group comparison for age:  $\chi^2 = 12.72, p \leq .05$ . There are more women over 30 years in the Psychological Abuse, only group than the other two groups.

<sup>b</sup>"Partnered" includes married, living together, living with same sex partner.

<sup>c</sup>"Unpartnered" includes single, separated, divorced, widowed.

<sup>d</sup>USC/LPR = U.S. citizen or lawful permanent resident.

<sup>e</sup>"Temporary" includes temporary conditional resident, provisional permanent resident, temporary resident, seasonal agricultural worker, legal refugee, student visa, tourist visa, business visa, temporary protected status.

**TABLE 2. SAMPLE DEMOGRAPHIC CHARACTERISTICS OF ABUSED WOMEN (PERCENTAGES)**

<b>Demographic Variables</b>	<b>Help-Seeking Abused n = 59</b>	<b>General Population Abused n = 171</b>	<b>Total n = 230</b>
<b>Age<sup>a</sup></b>			
14-23	13.0	12.4	12.6
24-29	18.5	30.8	27.8
30-41	50.0	50.9	50.7
42-56	18.5	5.9	9.0
<b>Marital Status</b>			
Partnered <sup>b</sup>	42.4	47.3	46.1
Unpartnered <sup>c</sup>	57.6	52.7	53.9
<b>Employed</b>			
Full or part time	43.1	46.5	45.7
Unemployed	56.9	53.5	54.3
<b>Average Income</b>			
Below \$9,000	59.3	61.6	61.1
\$9,001 to \$18,000	40.7	33.7	35.4
\$18,001 to \$27,000	0.0	4.7	3.5
<b>English Speaking Ability</b>			
None	44.1	40.6	41.5
Very little	27.1	36.5	34.1
Moderate	15.3	14.1	14.4
Very good	10.2	8.2	8.7
<b>English Reading Ability</b>			
None	49.2	53.3	52.2
Very little	23.7	26.0	25.4
Moderate	16.9	14.2	14.9
Very good	10.2	6.5	7.5
<b>Spanish Reading Ability</b>			
None	5.1	8.2	7.4
Very Little	13.6	12.9	13.0
Moderate	10.2	17.5	15.7
Very Good	71.2	61.4	63.9

**TABLE 2. SAMPLE DEMOGRAPHIC CHARACTERISTICS OF ABUSED WOMEN (PERCENTAGES)**

Demographic Variables	Help-Seeking Abused n = 59	General Population Abused n = 171	Total n = 230
Education			
0 to 4 years	18.6	24.0	22.6
5 to 12 years	62.7	64.3	63.9
High school grad	15.3	8.2	10.0
College or beyond	3.4	3.5	3.5
Immigration Status			
USC/LPR <sup>d</sup>	33.3	24.4	26.7
Temporary <sup>e</sup>	29.8	28.1	28.6
Undocumented	36.8	47.5	44.7
Time in U.S. (years)	6.1	5.3	5.5
(S.D.)	(5.32)	(3.98)	(4.37)
Country of Origin			
El Salvador	40.4	47.0	45.3
Guatemala	1.8	5.4	4.4
Dominican Rep	8.8	10.1	9.8
Honduras	17.5	7.7	10.2
Other Latin	31.6	29.8	30.2
Spouse Immigration Status			
USC/LPR <sup>d</sup>	55.9	48.8	50.8
Temporary <sup>e</sup>	5.9	11.9	10.2
Undocumented	38.2	39.3	39.0
Father of Child Immigration Status			
USC/LPR <sup>d</sup>	41.2	43.8	42.0
Temporary <sup>e</sup>	5.9	6.3	6.0
Undocumented	52.9	50.0	52.0

<sup>a</sup>2-group comparison for age:  $\chi^2 = 9.47, p \leq .02$ . There are more women over 30 years in the Help-Seeking Group than in the General Population Abused Group.

<sup>b</sup>“Partnered” includes married, living together, living with same sex partner.

<sup>c</sup>“Unpartnered” includes single, separated, divorced, widowed.

<sup>d</sup>USC/LPR = U.S. citizen or lawful permanent resident.

<sup>e</sup>“Temporary” includes temporary conditional resident, provisional permanent resident, temporary resident, seasonal agricultural worker, legal refugee, student visa, tourist visa, business visa, temporary protected status.

**TABLE 3. LATINA IMMIGRANTS' RATING OF IMPORTANCE OF RESOURCES<sup>a</sup>**

Type of Resource	Non-abused N = 98	Psychological, Only N = 27	Physical and Sexual N = 129	F
<b>Economic and Tangible Resources</b>				
Health insurance	1.54	1.35	1.32	ns
Emergency services (e.g., police, fire)	1.60	1.58	1.40	ns
Housing	1.64	1.59	1.46	ns
Emergency med. services	1.62	1.58	1.46	ns
Food	2.17	1.86	1.72	3.48*
Food stamps	2.25	1.86	1.94	ns
Clothing	2.18	1.91	1.88	ns
Transportation	2.21	2.32	2.03	ns
Help with bills	2.30	2.00	2.12	ns
Unemployment aid	2.05	1.86	1.62	5.59**
Welfare	2.13	1.65	1.83	ns
<b>Battered Women's Services</b>				
Battered women services	2.18	2.13	1.65	7.58***
<b>Immigration-Related Services</b>				
Immigration assistance	1.71	1.85	1.5	ns
Other legal assistance	2.10	2.36	1.87	3.80*
<b>Child-Related Services</b>				
Child support	2.54	2.08	1.83	4.08*
Child care	2.22	2.00	1.71	5.86**
Child abuse services	2.09	1.88	1.58	7.40***
Youth programs	2.00	2.16	1.82	ns
<b>Medical and Other Health Care Services</b>				
Reproductive health	2.01	2.12	1.64	4.61**
Child health	2.15	2.20	1.62	6.97***
Hotline	1.98	1.88	1.80	ns
Maternal health care	2.46	2.17	1.78	9.06***
Alcohol/drug programs	2.08	2.42	1.67	7.96***
Counseling	2.04	1.96	1.81	ns

**TABLE 3. LATINA IMMIGRANTS' RATING OF IMPORTANCE OF RESOURCES<sup>a</sup>**

Type of Resource	Non-abused N = 98	Psychological, Only N = 27	Physical and Sexual N = 129	F
Religious Services				
Church services	1.96	2.17	1.94	ns
Employment-Related Services				
English as a 2 <sup>nd</sup> language	1.53	1.56	1.49	ns
Employment	1.47	1.58	1.36	ns
Educational programs	1.54	1.71	1.60	ns

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

<sup>a</sup>Ratings on 4-point scale, with 1 = "very important" and 4 = "not very important."

compared to battered women from the general population, only half as many Help-Seeking battered women had talked with their mother first about the abuse. Few women in either group spoke to anyone other than a female friend, mother, or sister. These results show that battered Latinas more often speak to a female friend or relative than to helping professionals and other individuals in the community including battered women's program or other battered women.

Women were also asked about the response of the first person they spoke with about their experience with domestic violence (see Table 5). Overall, the most frequent responses to both groups of abused women were: "encouraged me to leave" (44.2%); "offered emotional support" (36.3%); and "told me what happened to me was wrong" (21.6%). Further, significantly more Help-Seeking than General Population abused women were encouraged to leave (54.2% vs. 39.7%, respectively) and told that what happened to them was wrong (30.5% vs. 17.6%, respectively). Additionally, three times more General Population abused women (16%) were encouraged to go back to the abuser by the first person they talked to than the Help-Seeking abused women (5.1%). A sizeable number within both groups (40.7% and 34.4%, Help-Seeking and General-Population groups respectively) reported receiving emotional support from the person they spoke with first. Few women in either group reported help finding shelter or legal assistance and counseling.

#### *D. Use of Government Resources*

Use of government services was examined first based on immigration status of Latina immigrants.<sup>64</sup> Overall, Medicaid, food stamps, and free meals were

64. This survey was conducted between 1992 and 1995 before immigrant access to welfare benefits was severely restricted by the Personal Responsibility and Work Opportunity Reconciliation Act of

**TABLE 4. PERSONS TALKED TO ABOUT ABUSE AMONG  
BATTERED IMMIGRANT LATINAS (PERCENTAGE)**

Relationship to Person	Talked to First			Other Persons Talked To			Ever Talked To
	Help-Seeking n = 59	General Population n = 109	Total n = 168	Help-Seeking n = 59	General Population n = 157	Total n = 216	Total n = 216
Female friend	27.1	21.1	23.2	30.5	24.8	26.4	49.6
Mother	11.9	22.9	19.0	5.1	13.4	11.1	30.1
Sister	13.6	11.0	11.9	10.2	10.8	10.6	22.5
Other relative	5.1	4.6	4.8	1.7	5.1	4.2	9.0
Social/comm. worker	3.4	.9	1.8	10.2	1.9	4.2	6.0
Another battered woman	1.7	1.8	1.8	11.9	7.6	8.6	10.4
Church, priest, nun	1.7	2.8	2.4	6.8	5.7	6.0	8.4
Lawyer	6.8	1.8	3.6	8.5	3.8	5.1	8.7
Doctor or nurse	0.0	0.0	0.0	6.8	3.8	4.6	4.6
Women's shelter or program	1.7	.9	1.2	15.3	5.7	8.3	9.5
Police	1.7	2.8	2.4	8.5	5.1	6.0	8.4
Co-worker	0.0	.9	.6	1.7	1.9	1.9	2.5
Employer	1.7	0.0	.6	0.0	1.3	.9	1.5
Brother	1.7	.9	1.2	3.4	3.2	3.2	4.4
Father	0.0	0.0	0.0	1.7	1.9	1.9	1.9
Son	0.0	.9	.6	1.7	2.5	2.3	2.9
Daughter	0.0	0.0	0.0	0.0	1.9	1.4	1.4
Male friend	0.0	1.8	1.2	1.7	1.3	1.4	2.6
Never talked to anyone	NA	NA	NA	3.4	14.0	11.1	11.1

the most commonly used resources. In contrast, few immigrant Latinas reported receiving AFDC, workers compensation, SSI, or social security benefits. Fewer

**TABLE 5. RESPONSE OF FIRST PERSON BATTERED IMMIGRANT WOMAN SPOKE WITH ABOUT DOMESTIC VIOLENCE**

	<b>Help-Seeking Physical and/or Sexual Abuse N = 59</b>	<b>General Population Physical and/or Sexual Abuse N = 133</b>	<b>Total Physical and/or Sexual Abuse N = 192</b>	$\chi^2$
Encouraged me to leave	54.2	39.7	44.2	6.1*
Offered emotional support	40.7	34.4	36.3	ns
Told me what happened to me was wrong	30.5	17.6	21.6	6.5*
Talked to my partner	10.2	10.7	10.5	ns
Gave me shelter	13.6	13.7	13.7	ns
Encouraged me to go back	5.1	16.0	12.6	8.6*
Help find shelter/legal	15.3	9.9	11.6	ns
Help find counseling	13.6	6.9	8.9	ns
Criticized me	5.1	6.9	6.3	ns
Blamed me	6.8	5.3	5.8	ns
Did not believe me	5.1	1.5	2.6	ns

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

undocumented immigrant women reported using Medicaid,<sup>65</sup> D.C. Medicaid, and free meals than women with temporary or permanent legal immigration status (see Table 6).

Comparison across abuse groups found that more women in the Physical/Sexual abuse sample reported using Medicaid, free meals, and food stamps than women in either Psychological Abuse Only or No Abuse groups (see Table 7). Comparison of Help-Seeking and General Population abused women revealed no differences except that more General Population abused women reported using D.C. Medicaid (see Table 8).

#### *E. Use of Other Resources*

Comparisons of actual use of economic/tangible, child-related, health care, domestic violence, immigration-related, employment/skills-related, and religious resources were made between the three groups of Latina immigrants from the general population sample (see Table 9). Overall, more immigrant Latinas

65. Undocumented immigrant women would only qualify to receive Medicaid for their children's health costs. See 42 U.S.C.A. §§ 1396a(a)(10)(A)(i)(I), 1396b(v), 1396d(n)(2) (West 1995).

**TABLE 6. GOVERNMENT SERVICES UTILIZED BY IMMIGRANT LATINAS (PERCENTAGES)**

Type of Government Service	General Population Immigration Status			Total n = 289	$\chi^2$
	USC/LPR <sup>a</sup> n = 75	Temporary n = 80	Undocumented n = 134		
AFDC	5.3	7.5	3.0	4.8	ns
Food Stamps	32.0	27.8	20.9	25.7	ns
Medicaid	44.0	31.6	23.1	30.9	9.83**
Unemployment Benefits	12.0	6.3	6.0	7.6	ns
Free Meals	26.7	27.8	14.9	21.5	6.50*
Child Care	16.0	15.2	8.2	12.2	ns
DC Medicaid	20.0	21.5	9.0	15.3	7.81*
Housing	14.7	13.9	6.7	10.8	ns
Worker's Compensation	4.0	6.3	2.2	3.8	ns
SSI	4.0	0.0	.7	1.4	ns
Social Security Benefits	4.0	2.5	1.5	2.4	ns

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

<sup>a</sup>USC/LPR = U.S. citizen or lawful permanent resident.

used immigration assistance (26%), maternal and child health care (24.8%), health insurance (20.2%), and English as a second language (20.2%) than other types of services. Interestingly, 6.6% of immigrant women in the general population who reported never having been victims of domestic violence reported having sought services or information from domestic violence-related programs.

Use of only three specific resources was found to differ between groups. More women in the Physical/Sexual Abuse and Psychological Abuse Only groups used public benefits and assistance with obtaining child support more often than women in the No Abuse group. More women in the Physical/Sexual Abuse group used emergency services (e.g., police, fire, 911) than in either the Psychological Abuse Only or No Abuse groups. Using the summary categories, more women from the Physical/Sexual Abuse group used economic/tangible, health care, and immigration-related resources than women from the Psychological Abuse and No Abuse groups (see Table 10).

Compared to immigrant Latinas generally, more battered immigrant women used immigration assistance (26.7%), maternal and child health care (25.7%),

**TABLE 7. GOVERNMENT SERVICES UTILIZED BY BATTERED IMMIGRANT LATINAS (PERCENTAGES)**

Type of Government Service	General Population Latinas				
	No Abuse n = 107	Psychol Abuse, Only n = 29	Physical and Sexual Abuse n = 114	Total n = 247	$\chi^2$
AFDC	1.9	10.0	6.1	4.8	ns
Food Stamps	18.3	20.7	33.3	25.5	6.90*
Medicaid	15.4	24.1	42.1	28.7	19.30***
Unemployment Benefits	8.7	3.4	8.8	8.1	ns
Free Meals	11.5	17.2	30.7	21.1	12.30**
Child Care	14.4	6.9	11.4	12.1	ns
DC Medicaid	12.5	13.8	21.1	16.6	ns
Housing	12.5	6.9	12.3	11.7	ns
Worker's Compensation	3.8	3.4	6.1	4.9	ns
SSI	1.0	3.4	1.8	1.6	ns
Social Security Benefits	1.9	0.0	4.4	2.8	ns

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

public benefits (23.3%), and health insurance (21%) than other types of services. Comparison between the Help-Seeking and General Population abused groups found use of only two specific services to differ (see Table 11).

More General Population abused women than Help-Seeking abused women reported using reproductive health care services, whereas more Help-Seeking than General Population abused women reported using legal services. Overall, few battered women reported having sought help from services that might be thought to assist with domestic violence issues, such as lawyers for legal services other than immigration-related services (10.5%), emergency services such as police (11.9%), battered womens' programs (7.6%), and crisis hotlines (5.7%).

#### *F. Obstacles that Prevent Latinas from Leaving a Current Relationship*

Participants were asked what factors would prevent them from leaving a current relationship (see Table 12). Overall, the most commonly cited obstacles

**TABLE 8. GOVERNMENT SERVICES UTILIZED BY  
HELP-SEEKING AND GENERAL POPULATION BATTERED  
IMMIGRANT LATINAS (PERCENTAGES)**

Type of Government Service	Help-Seeking n = 58	General Population n = 144	Total n = 202	$\chi^2$
AFDC	3.4	6.9	5.9	ns
Food Stamps	22.4	30.8	28.4	ns
Medicaid	27.6	38.5	35.3	ns
Unemployment Benefits	5.2	7.7	7.0	ns
Free Meals	20.7	28.0	25.9	ns
Child Care	12.1	10.5	10.9	ns
DC Medicaid	6.9	19.6	15.9	4.96*
Housing	5.2	11.2	9.5	ns
Worker's Compensation	1.7	5.6	4.5	ns
SSI	0.0	2.1	1.5	ns
Social Security Benefits	0.0	3.5	2.5	ns

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

were no money (26%), fear of losing children (19.9%), needing to keep the family together (18.3%), hoping that her partner would change (17.5%), and fear of being alone (17.1%).

Women in both the Psychological Abuse Only and Physical/Sexual Abuse groups reported experiencing most of the obstacles listed on the survey as factors that would prevent them from leaving significantly more often than did women in the No Abuse group. These categories include economic and other resource-related obstacles (*i.e.* no money, nowhere to go, did not speak English, had no job, did not know where to go), child-related concerns (*i.e.* fear of losing children, not wanting children to suffer, not wanting to separate children from father), influence of social network (*i.e.* mother told not to leave), partner-related reasons (*i.e.* believed partner would harm me, believed partner would become violent, believed partner would change, love partner), individual reasons (*i.e.* believed no one would want me, fear of being alone, don't want to leave), and cultural/social norms (*i.e.* want to keep family together, believe a good wife/mother does not leave). Interestingly, abused women more often reported both positive (e.g., love partner) and negative (e.g., believed partner would harm me) obstacles to leaving their intimate relationships.

Among battered immigrant women who reported still living in an abusive relationship (n = 85), commonly cited obstacles to leaving that relationship

were lack of money (67.1%), fear of losing children (48.2%), fear of being alone (41.7%), wanting to keep the family together (41.2%), not wanting to separate the child from the father (41.2%), hoping partner would change (37.6%), having nowhere to go (35.3%), not wanting children to suffer (34.1%), having no job (31.8%), not speak English (25.9%), loving partner (25.9%), not knowing where to go (24.7%), and fearing partner would become more violent (23.5%) (see Table 13).

Only two differences between the subsamples of battered women emerged. More Help-Seeking battered women reported fear that their spouse or partner would harm others than General Population battered women (24% vs. 6.7%, respectively). In contrast, more General Population battered immigrants still living with their abusers reported fear of immigration than Help-Seeking battered women (21.7% vs. 4.0%, respectively). More General Population battered immigrants also reported that fear of immigration consequences was an obstacle to their leaving an abuser (10.2% vs. 1.7%, respectively).

#### *G. Factors Related to Use of Resources*

Several factors were examined to determine whether they were associated with Latina immigrants' use of various resources (see Table 14). The use of economic and tangible resources was reported by more women who had been physically and/or sexually abused, lived in the United States for more than three years, had less education, had family in the U.S., and who were illiterate in Spanish. Child-related resources were used by more women who had either permanent (e.g., U.S. Citizens, legal permanent residency) or temporary (vs. undocumented) immigration status, had lived in the United States for more than three years, and had family in the United States. Medical resources were used by more women who had either permanent or temporary immigration status, had been physically and/or sexually abused, lived in the United States for more than three years, and had family in the United States. More women who had income levels below \$9,000 used domestic violence resources than other women. Immigration-related resources were used by more women who had either permanent or temporary immigration status, who had been physically and/or sexually abused, who had been in the United States for more than three years, and who had family in the United States. Employment/skills-related resources were used by more women who had either permanent (e.g., U.S. Citizens, legal permanent residency) or temporary (vs. undocumented) immigration status, had family in the United States, and had at least moderate English literacy. More women with low levels of Spanish literacy and who were not involved with an intimate partner (*i.e.* "unpartnered") reported using religious resources. Overall, factors that influenced whether the immigrant woman would use most types

**TABLE 9. SERVICES UTILIZED BY IMMIGRANT LATINAS  
(PERCENTAGES)**

Type of Service	General Population Latinas				$\chi^2$
	No Abuse n = 105	Psychol Abuse, Only n = 30	Physical and Sexual Abuse n = 123	Total n = 258	
Economic/Tangible Resources					
Housing	10.5	13.3	11.5	11.3	ns
Health insurance	17.1	16.7	23.6	20.2	ns
Public benefits	11.4	23.3	23.6	18.6	6.02*
Police, fire, 911	4.8	0.0	13.0	8.1	8.16*
Food	9.5	10.0	13.8	11.6	ns
Clothing	5.7	3.3	11.4	8.1	ns
Transportation	4.8	3.3	4.1	4.3	ns
Help with phone, gas, electric bills	4.8	6.7	5.7	5.4	ns
Child-Related Resources					
Child care	9.5	13.3	13.0	11.6	ns
Assist with obtaining child support	3.8	10.0	13.0	8.9	5.95*
Child abuse services	5.7	0.0	1.6	3.1	ns
Youth programs	1.9	0.0	2.4	1.9	ns
Health Care Resources					
Maternal/child health care	22.9	23.3	26.8	24.8	ns
Reproductive health	14.3	10.0	17.9	15.5	ns
Emergency medical services	9.5	13.3	19.5	14.7	ns
Crisis hotline	8.6	3.3	4.1	5.8	ns
Alcohol/drug program	4.8	0.0	3.3	3.5	ns
Counseling services	6.7	0.0	6.5	5.8	ns
Domestic Violence Resources					
Battered women's programs	6.7	10.0	5.7	6.6	ns
Immigration-Related Resources					
Immigration assistance	22.9	16.7	30.9	26.0	ns
Other legal service	2.9	10.0	7.3	5.8	ns

**TABLE 9. SERVICES UTILIZED BY IMMIGRANT LATINAS (PERCENTAGES)**

Type of Service	General Population Latinas				$\chi^2$
	No Abuse n = 105	Psychol Abuse, Only n = 30	Physical and Sexual Abuse n = 123	Total n = 258	
Employment/Skills Resources					
Employment training	15.2	6.7	10.6	12.0	ns
English as a second language	24.8	13.3	17.9	20.2	ns
Educational programs	17.1	3.3	10.6	12.4	ns
Religious Resources					
Religious organizations	11.4	3.3	5.7	7.8	ns

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

**TABLE 10. CATEGORY OF SERVICES UTILIZED BY BATTERED IMMIGRANT LATINAS (PERCENTAGES)**

Category of Service	General Population Latinas				$\chi^2$
	No Abuse n = 105	Psychol Abuse, Only n = 30	Physical and Sexual Abuse n = 123	Total n = 257	
Economic/Tangible	29.5	23.3	45.9	36.6	9.09**
Child	28.6	26.7	34.1	31.0	ns
Health-Care	29.5	23.3	45.5	36.4	8.78**
Domestic Violence	6.7	10.0	5.7	6.6	ns
Immigration	23.8	20.0	36.6	29.5	5.91*
Employment/Skills	30.5	23.3	26.0	27.5	ns
Religious	11.4	3.3	5.7	7.8	ns

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

of resources were: 1) having family in the United States, 2) immigration status, and 3) greater time in the U.S. It is significant to note that abuse status was also related to the use of three categories of resources (*i.e.*, economic and tangible, health care, and immigration-related resources) (see Table 10).

**TABLE 11. SERVICES UTILIZED BY BATTERED IMMIGRANT LATINAS (PERCENTAGES)**

Type of Government Service	Abuse Groups			$\chi^2$
	Help-Seeking n = 57	General Population n = 153	Total n = 210	
<b>Economic/Tangible Resources</b>				
Housing	10.5	11.8	11.5	ns
Health insurance	17.5	22.2	21.0	ns
Public benefits	22.8	23.5	23.3	ns
Police, fire, 911	15.8	10.5	11.9	ns
Food	10.5	13.1	12.4	ns
Clothing	8.8	9.8	9.5	ns
Transportation	1.8	3.9	3.3	ns
Help with phone, gas, electric bills	3.5	5.9	5.2	ns
<b>Child-Related Resources</b>				
Child care	19.3	13.1	14.8	ns
Assist with obtaining child support	14.0	12.4	12.9	ns
Child abuse services	1.8	1.3	1.4	ns
Youth programs				ns
<b>Health Care Resources</b>				
Maternal/child health care	24.6	26.1	25.7	ns
Reproductive health	5.3	16.3	13.3	4.41*
Emergency medical services	21.1	18.3	19.0	ns
Crisis hotline	10.5	3.9	5.7	ns
Alcohol/drug program	3.5	2.6	2.9	ns
Counseling services	8.8	5.2	6.2	ns
<b>Domestic Violence Resources</b>				
Battered women's programs	10.5	6.5	7.6	ns
<b>Immigration-Related Resources</b>				
Immigration assistance	22.8	28.1	26.7	ns
Other legal service	17.5	7.8	10.5	4.17*

**TABLE 11. SERVICES UTILIZED BY BATTERED IMMIGRANT LATINAS (PERCENTAGES)**

Type of Government Service	Abuse Groups			$\chi^2$
	Help-Seeking n = 57	General Population n = 153	Total n = 210	
Employment/Skills Resources				
Employment training	14.0	9.8	11.0	ns
English as a second language	21.1	17.0	18.1	ns
Educational programs	3.5	9.2	7.6	ns
Religious Resources				
Religious organizations	7.0	5.3	5.7	ns

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

#### *H. Problems Seeking Services*

Participants were asked what problems they may have encountered seeking services or help. The most frequent problems reported by all General Population participants taken together were fear of immigration (25.7%), language problems (23.4%), and not knowing about services (23.%) (see Table 15).

Comparing the abuse groups within the general population, more Physical/Sexual Abuse and Psychological Abuse women than women in the No Abuse group experienced several problems: language problems, partner interfering with seeking help, fear that the government would take away children, and lack of transportation. Endorsement of language problems as a problem related to accessing services is consistent with results reported in Table 1 where 78.7% of the immigrant women surveyed in the general population spoke little or no English and 18.7% were not literate in Spanish. There were no differences in the number of Help-Seeking and General Population Abuse women experiencing problems accessing services (see Table 16). Participants also experienced problems based on immigration status (see Table 17).

More temporary and undocumented immigration status Latinas than Latinas in the U.S. Citizen or lawful permanent resident group reported fears related to immigration. Additionally, more Latinas with temporary immigration status than women in either of the other two groups reported fears that the government would take away their children and that services were too expensive. This is especially interesting given that there were no significant differences in abuse rates based on immigration status of the victim. Rates of physical and sexual abuse were 51.7% among U.S. Citizens or lawful permanent residents, 49.3% among those with Temporary immigration status, and 52.1% among undocumented immigrant women.

**TABLE 12. OBSTACLES PREVENTING IMMIGRANT LATINAS FROM LEAVING A CURRENT RELATIONSHIP**

Type of Obstacle	General Population Abuse Group			Total n = 246	$\chi^2$
	No Abuse n = 99	Psychol Abuse, Only n = 27	Physical/ Sexual Abuse n = 120		
Economic and Other Resource-Related Obstacles					
No money	6.1	37.0	40.0	26.0	34.38***
Have nowhere to go	3.0	14.8	18.3	11.8	12.48**
Not speak English	1.0	7.4	17.5	9.8	16.94***
No job	3.0	22.2	20.0	13.4	15.47***
No day care	2.0	11.1	6.7	5.3	ns
Don't know where to go	1.0	11.1	15.0	8.9	13.21***
No transportation	1.0	3.7	6.7	4.1	ns
Did not know anyone who could help me	0.0	3.7	5.0	2.8	ns
Believe police would not help me	1.0	0.0	1.7	1.2	ns
Child-Related Concerns					
Fear of losing children	4.0	29.6	30.8	19.9	26.21***
Children not suffer	4.0	18.5	20.0	13.4	12.58**
Fear of immigration	3.0	14.8	9.2	7.3	ns
Not separate children from father	7.1	29.6	22.5	17.1	12.50**
General Social Networks					
Fear of gossip	2.0	3.7	6.7	4.5	ns
Mother told not to leave	0.0	0.0	5.8	2.8	7.65*
His mother told not to leave	1.0	0.0	2.5	1.6	ns
Partner-Related Reasons					
Partner would harm others	1.0	0.0	5.8	3.3	ns
Partner would harm me	0.0	3.7	5.8	3.3	5.89*
Partner would bother me	1.0	0.0	5.8	3.3	ns
Partner would kill self	0.0	3.7	3.3	2.0	ns
Partner would kill me	0.0	0.0	2.5	1.2	ns

**TABLE 12. OBSTACLES PREVENTING IMMIGRANT LATINAS FROM LEAVING A CURRENT RELATIONSHIP**

Type of Obstacle	General Population Abuse Group			Total n = 246	$\chi^2$
	No Abuse n = 99	Psychol Abuse, Only n = 27	Physical/ Sexual Abuse n = 120		
Partner-Related Reasons					
Partner would become (more) violent	1.0	14.8	13.3	8.5	12.08**
Partner would change	4.0	22.2	27.5	17.5	21.17***
Partner would stalk me	1.0	7.4	7.6	4.9	ns
Love partner	4.0	18.5	14.3	10.6	7.98*
Individual Reasons					
No one would want me	2.0	3.7	13.3	7.7	10.43**
Fear of being alone	5.1	22.2	25.8	17.1	17.12***
I was ashamed	2.0	0.0	5.8	3.7	ns
Don't want to leave	4.0	11.1	18.5	11.8	10.8**
Cultural or Social Norms					
To keep family together	5.1	18.5	29.2	18.3	21.11***
Good wife/mother does not leave	2.0	11.1	11.7	7.7	7.57*
Religion	6.1	11.1	13.3	10.2	ns

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

#### V. POLICY IMPLICATIONS

The results of this survey confirm what many advocates and attorneys working with battered immigrants have known for many years: that battered immigrants experience levels of abuse that may be similar to other women in the United States, but they face enormous obstacles to ending violent relationships and receiving services.<sup>66</sup> This research also sheds light on several key

66. A recent survey conducted for NIMH estimated the incidence of physical marital violence at between 50% and 60%. See NATIONAL CLEARINGHOUSE FOR THE DEFENSE OF BATTERED WOMEN, STATISTICS PACKET 134 (3rd ed., 1997) [hereinafter STATISTICS PACKET] (citing Alan Rosenbaum and K. Daniel O'Leary *Children: The Unintended Victims of Marital Violence*, 51 AM. J. OF ORTHOPSYCHIATRY 692 (1981)). Similarly, it has been said that over 50% of all women will experience physical violence in intimate relationships. For about 25% of them, the battering will be regular and ongoing. See *id.* at 132 (citing *Remarks of Judge Richard Lee Price*, LOVE AND VIOLENCE: VICTIMS AND PERPETRATORS (New

**TABLE 13. OBSTACLES PREVENTING BATTERED IMMIGRANT LATINAS FROM LEAVING A CURRENT ABUSIVE RELATIONSHIP AMONG THOSE STILL LIVING WITH AN ABUSER**

Type of Obstacle	Abused Groups		Total n = 85	$\chi^2$
	Help-Seeking n = 25	General Population n = 60		
Economic and Other Resource-Related Obstacles				
No money	64.0	68.3	67.1	ns
Have nowhere to go	44.0	31.7	35.3	ns
Not speak English	24.0	26.7	25.9	ns
No job	32.0	31.7	31.8	ns
No day care	20.0	13.3	15.3	ns
Don't know where to go	20.0	26.7	24.7	ns
No transportation	4.0	10.0	8.2	ns
Did not know anyone who could help me	12.0	6.7	8.2	ns
Believe police would not help me	3.4	1.4	2.0	ns
Child-Related Concerns				
Fear of losing children	36.0	53.3	48.2	ns
Children not suffer	32.0	35.0	34.1	ns
Fear of immigration	4.0	21.7	16.5	4.00*
Not separate children from father	36.0	43.3	41.2	ns
General Social Networks				
Fear of gossip	12.0	6.7	8.2	ns
Mother told not to leave	8.0	6.7	7.1	ns
His mother told not to leave	4.0	5.0	4.7	ns
Partner-Related Reasons				
Partner would harm others	24.0	6.7	11.8	5.11*
Partner would harm me	16.0	11.7	12.9	ns
Partner would bother me	16.0	6.7	9.4	ns
Partner would kill self	8.0	3.3	4.7	ns
Partner would kill me	8.0	3.3	4.7	ns
Partner would become (more) violent	16.0	26.7	23.5	ns
Partner would change	28.0	41.7	37.6	ns
Partner would stalk me	20.0	10.0	12.9	ns
Love partner	20.0	28.3	25.9	ns

**TABLE 13. OBSTACLES PREVENTING BATTERED IMMIGRANT LATINAS FROM LEAVING A CURRENT ABUSIVE RELATIONSHIP AMONG THOSE STILL LIVING WITH AN ABUSER**

Type of Obstacle	Abused Groups		Total n = 85	$\chi^2$
	Help-Seeking n = 25	General Population n = 60		
Individual Reasons				
No one would want me	32.0	21.7	24.7	ns
Fear of being alone	41.7	41.7	41.7	ns
I was ashamed	0.0	6.7	4.7	ns
Don't want to leave	8.6	17.1	14.7	ns
Cultural or Social Norms				
To keep family together	40.0	41.7	41.2	ns
Good wife/mother does not leave	20.0	18.3	18.8	ns
Religion	12.0	21.7	18.8	ns

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

questions:

- 1) What is the best way to reach abused immigrants and to provide them with information about their legal rights and the services available to help them in the United States?
- 2) Which service providers are serving immigrant and battered immigrant women and thus need to learn to identify the signs of domestic violence, and should they affirmatively provide information about the abuse?
- 3) What roles do immigration status and lack of economic resources play in the relief victims need and their willingness to seek help?
- 4) What changes do we need to make in our justice and social services systems so that we can better help battered immigrants in a manner that is culturally sensitive?

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York City Coalition for Women's Mental Health, New York, N.Y.), Jan. 1991). Table 1 reflects a similarly high abuse rate among battered immigrant Latinas of 49.8%. *See supra* tbl. 1. However, some researchers have found somewhat lower rates of abuse among U.S. women. In nationally representative surveys, approximately one-quarter of United States couples report at least one incident of physical aggression occurring between them during the course of their relationship. *See* STATISTICS PACKET 135 (citing *Women and Violence: Before the Senate Comm. on Judiciary*, 101st Cong. (1990) (statement of Angela Browne)). Similarly, in a national survey, 28% of married couples reported at least one instance of physical assault in their relationships, and 16% reported violent incidents in the year just prior to the study. *See id.* at 134-135 (citing MURRAY A. STRAUS ET AL., *BEHIND CLOSED DOORS: VIOLENCE IN THE AMERICAN FAMILY* (1980)).

**TABLE 14. FACTORS ASSOCIATED WITH IMMIGRANT LATINAS' USE OF RESOURCES (PERCENTAGES)<sup>a</sup>**

Group Characteristic	Type of Resource						
	Economic, Tangible	Child-Related	Health Care	Domestic Violence	Immigration	Employment, Skills	Religious
Immigration status of woman (n = 299)	ns	10.3**	9.3**	ns	22.2***	6.2*	ns
USC/LPR <sup>c</sup>	48.7	42.9	49.4	5.2	41.6	39.0	5.2
Temporary	42.9	42.9	45.2	9.5	44.7	31.0	10.8
Undocumented	33.1	25.2	30.2	7.2	18.0	23.0	7.2
Time in U.S. (n = 317)	10.7***	12.8***	10.1***	ns	5.9**	ns	ns
0-3 years	26.4	20.9	27.1	6.2	23.1	25.6	7.0
>3 years	44.4	40.0	44.7	6.3	35.8	28.4	7.9
Income (n = 324)	ns	ns	ns	4.0*	ns	ns	ns
Below \$9,000	39.3	31.5	42.7	12.4	24.4	28.1	11.2
Above \$9,000	31.7	28.6	30.2	3.2	28.6	30.2	4.8
Education (n = 324)	10.1*	ns	ns	ns	ns	ns	ns
0-4 years	53.5	36.1	44.4	6.9	34.2	20.8	11.3
5-12 years	33.2	33.2	36.0	7.1	27.0	28.9	7.1
HS or trade	31.3	25.0	34.4	6.3	46.9	31.3	3.1
College+	33.3	22.2	44.4	11.1	22.2	55.6	0.0
Family in U.S. (n = 315)	6.5**	6.6**	6.3**	ns	7.0**	4.8*	ns
No	25.0	20.5	26.0	6.8	17.8	17.8	11.0
Yes	41.6	36.6	42.4	7.4	34.0	30.9	5.8
English literacy (n = 320)	ns	ns	ns	ns	ns	20.0***	ns
None	38.5	27.8	35.2	6.2	28.4	17.9	6.8
Very little	38.2	34.8	39.3	11.2	38.2	36.0	12.4
Moderate	37.0	39.1	47.8	2.2	32.6	47.8	2.2
Very good	29.2	45.8	33.3	4.2	12.5	29.2	0.0
Spanish literacy (n = 323)	10.6**	ns	ns	ns	ns	ns	10.0*
None	68.8	41.2	52.9	5.9	35.3	11.8	17.6
Very little	29.2	20.8	25.0	6.3	27.1	16.7	14.9
Moderate	46.9	32.7	42.9	14.3	36.7	30.6	10.2
Very good	34.8	34.8	38.6	5.7	29.4	31.4	4.3

**TABLE 14. FACTORS ASSOCIATED WITH IMMIGRANT LATINAS' USE OF RESOURCES (PERCENTAGES)<sup>a</sup>**

Group Characteristic	Type of Resource						
	Economic, Tangible	Child-Related	Health Care	Domestic Violence	Immigration	Employment, Skills	Religious
Relationship status (n = 321)	ns	ns	ns	ns	ns	ns	6.5**
Unpartnered	38.3	33.3	36.1	6.6	31.0	29.0	10.4
Partnered	35.0	29.7	39.1	5.8	29.0	24.6	2.9

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

<sup>a</sup>Chi-square values are listed for variable name when significant in shaded row; "ns" means chi-square is not statistically significant.

<sup>b</sup>The total sample size is higher for these analyses than those in Table 10, since those in Table 10 included only women who had data about their abuse status.

<sup>c</sup>USC/LPR = U.S. citizen or lawful permanent resident.

- 5) What future legislative reforms would help battered immigrant women better access the economic, social and legal support they need to escape, avoid, resist or stop the violence?

The results of this survey offer attorneys, advocates, health care, and justice system personnel some initial answers to these questions to help them provide battered immigrants with much-needed aid.

#### *A. Improving Outreach To Battered Immigrants About Available Options for Help*

The battered immigrant Latinas surveyed were extremely isolated from all forms of formal legal and social services. Those who had received some formal services did so at very low rates. The highest rates that battered immigrant women reported using any services were immigration assistance (26.7%) and maternal and child health care (25.7%).<sup>67</sup> Few, however, discussed the domestic violence with these professionals.<sup>68</sup> Language barriers (29.7%), lack of knowledge about formal services available to help battered immigrants (23.4%), and fear (18%), particularly of immigration consequences (27%), appear to pose significant barriers to battered immigrant Latinas' access to institutionally based legal, social, and health services.<sup>69</sup>

67. See *supra* tbl. 11.

68. See *supra* tbl. 4.

69. See *supra* tbl. 16.

**TABLE 15. PROBLEMS WITH ACCESSING SERVICES  
(PERCENTAGES)**

Problems Accessing Services	General Population Latinas				$\chi^2$
	No Abuse n = 104	Psych Abuse, Only n = 31	Physical and Sexual Abuse n = 134	Total n = 269	
Didn't know about services	20.2	19.4	26.1	23.0	ns
Felt afraid	10.6	19.4	19.4	16.0	ns
Too expensive	4.8	6.5	6.0	5.6	ns
No transportation	3.8	16.1	16.4	11.5	10.93*
Partner prevented it	2.9	22.6	13.4	10.4	12.55**
Didn't want assistance from the government	14.4	16.1	20.1	17.5	ns
Afraid government would take children	3.8	22.6	14.2	11.2	10.93**
Feared problems with immigration	19.2	25.8	30.6	25.7	ns
Language problems	9.6	29.0	32.8	23.4	18.22***
Worker didn't understand my situation	4.8	9.7	14.9	10.4	6.45*
Not treated with respect	3.8	3.2	9.0	6.3	ns
Never sought any services	21.2	12.9	17.2	18.2	ns

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

However, our findings make it clear that educational campaigns about domestic violence and the relief available to help battered women escape, avoid, resist, or stop the violence aimed at women in immigrant communities may be the best route to reach battered immigrant women. Significant numbers of the battered immigrant women we surveyed had spoken to their female friends, mothers, and sisters about the domestic violence.<sup>70</sup> Thus, educational campaigns and outreach activities about domestic violence aimed generally at immigrant women would

70. See *supra* tbl. 4.

**TABLE 16. PROBLEMS WITH ACCESSING SERVICES BY HELP-SEEKING AND GENERAL POPULATION BATTERED IMMIGRANT LATINAS (PERCENTAGES)**

Problems Accessing Services	Help-Seeking n = 57	General Population n = 165	Total n = 222	$\chi^2$
Didn't know about services	19.3	24.8	23.4	ns
Felt afraid	14.0	19.4	18.0	ns
Too expensive	3.5	6.1	5.4	ns
No transportation	12.3	16.4	15.3	ns
Partner prevented it	10.5	15.2	14.0	ns
Didn't want assistance from the government	10.5	19.4	17.1	ns
Afraid government would take children	10.5	15.8	14.4	ns
Feared problems with immigration	19.3	29.7	27.0	ns
Language problems	22.8	32.1	29.7	ns
Worker didn't understand my situation	12.3	13.9	13.5	ns
Not treated with respect	3.4	7.9	6.8	ns
Never sought any services	24.1	16.5	18.5	ns

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

have the advantage of reaching both battered immigrant women and the support persons to whom they are most likely to turn for help.

The response a battered immigrant woman receives from the persons she chooses to talk to about the violence may influence her willingness to move forward with other help seeking strategies. Women who are encouraged to leave their abusers, who are told that what has happened to them was wrong, and who are not encouraged to go back to their abusers by support persons appear to be more likely to seek help outside of their immediate circle to end the violence.<sup>71</sup> Community outreach and education need to deliver these messages to battered women and need to encourage their female friends and family members to respond appropriately when domestic violence is disclosed to them. It is particularly important that outreach efforts be aimed at the mothers of domestic violence victims, as our survey found some evidence that mothers were more likely to encourage battered women to stay with their abusers.<sup>72</sup>

71. See *supra* tbl. 5.

72. See *supra* tbl. 12. Compare tbl. 12 (showing that more of the general population battered women

**TABLE 17. PROBLEMS WITH ACCESSING SERVICES BY IMMIGRATION STATUS (PERCENTAGES)**

Problems Accessing Services	General Population Latinas				$\chi^2$
	USC/LPR n = 78	Temporary n = 92	Un-Documented n = 144	Total n = 314	
Didn't know about services	16.7	27.2	21.5	22.0	ns
Felt afraid	14.1	19.6	13.9	15.6	ns
Too expensive	6.4	9.8	2.1	5.4	6.70*
No transportation	16.7	12.0	10.4	12.4	ns
Partner prevented it	5.1	12.0	10.4	9.6	ns
Didn't want assistance from the government	14.1	22.8	13.9	16.6	ns
Afraid government would take children	7.7	18.5	7.6	10.8	7.89*
Feared problems with immigration	11.5	30.4	27.1	24.2	9.42**
Language problems	23.1	28.3	20.8	23.6	ns
Worker didn't understand my situation	16.7	14.1	7.6	11.8	ns
Not treated with respect	6.4	10.9	3.5	6.4	ns
Never sought any services	25.6	22.8	14.6	19.7	ns

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

Community education campaigns aimed at informing Latina immigrant women about their rights to live free from violence must specifically target all women in the community, not just those who may be battered. The survey's results make it clear that the more women in the community who have access to materials on domestic violence, the better chance that information will end up in the hands of the women who need them the most. Since immigrant women in abusive relationships are most likely to discuss the abuse within close female

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than the help-seeking population spoke first with their mothers about domestic violence (22.9% vs. 11.9%), with tbl. 5 (showing that more of the general population than the help-seeking population was encouraged to go back to the abuser (16% vs. 5.1%)).

relationships,<sup>73</sup> grassroots, woman-to-woman community-based approaches to educating all women about domestic violence, social services, and legal rights are likely to be the most effective outreach strategies.

Lideres Campesinas, a farm worker women's group based in California, is an example of grassroots activists taking the correct approach to reaching battered immigrant women and informing them of help that is available. The group is very visible in the migrant community and their members serve as resources and support persons for battered migrant women in the community. Lideres members advocate changes that will make social services more accessible to battered immigrants. They build dialogues with service providers to discuss barriers migrant battered women encounter when they need services. Lideres Campesinas' priority is to empower farm worker women. Its work with domestic violence issues has been informed by the experiences of battered migrant women.<sup>74</sup> Because the group was created for and by migrant women, its approach to advocacy and organizing is inherently culturally competent. Lideres' committees are able to provide battered women with the referrals and advocacy that they need when seeking the assistance of social and legal service agencies.<sup>75</sup> Programs like Lideres Campesinas should be developed in other immigrant communities across the United States. Similar programs have been developed in urban areas including Mujeres Unidas y Activas in San Francisco, Hermanas Unidas in Washington, DC, and Proyecto Lucha in Miami.<sup>76</sup>

In addition to supporting the development of more programs that involve immigrant domestic violence survivors in community education and outreach efforts, the survey results provide important information about other ways to reach battered immigrants and their female support providers with information about domestic violence laws and services. First, the vast majority of the immigrant Latinas surveyed spoke little or no English.<sup>77</sup> To reach non-English speaking immigrants, community education campaigns must be designed in Spanish and other languages spoken in local immigrant communities. Second, almost one out of every five of the women surveyed was not literate in Spanish. As a result, educational materials written in Spanish would fail to reach this significant proportion of Latina battered women. To reach the broadest range of Latina women, any community education and outreach campaign must include simple Spanish language literature and educational materials that use pictures

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73. See *supra* tbl. 4.

74. Table 4 reports some evidence that battered immigrants are willing to talk to persons outside their women friends and family members; 10.4% reported speaking with another battered women. See *supra* tbl. 4.

75. See LESLYE ORLOFF & RACHEL LITTLE, AYUDA, INC., SOMEWHERE TO TURN: MAKING DOMESTIC VIOLENCE SERVICES ACCESSIBLE TO BATTERED IMMIGRANT WOMEN, A "HOW TO" MANUAL FOR BATTERED WOMEN'S ADVOCATES AND SERVICE PROVIDERS 316-18 (1999). Lideres Campesinas can be contacted at (909) 865-7776.

76. For further information on these programs, contact Clara Luz Navarro at Mujeres Unidas y Activas, Rosa Rivas at Hermanas Unidas, or Virginia Coto at Proyecto Lucha.

77. See *supra* tbls. 1, 2.

instead of words. These materials can be used in woman-to-woman outreach and education campaigns to reach women who are not literate.<sup>78</sup> Television and radio public service announcements should also be used and must be run during times of the day when women are most likely to be listening and when their abusive partner is least likely to be at home.<sup>79</sup>

*B. The Role Service Providers Can Play When Immigrant Women  
Seek Their Services*

Although the immigrant Latinas surveyed reported seeking few formal support services, the fact that immigrant Latinas did seek some services<sup>80</sup> that may have been unrelated to abuse provides a point of contact outside of the family unit through which helping professionals can offer immigrant women important information about services and legal protections for battered women. The top four services, used by between one fourth and one fifth of the battered immigrant women surveyed, were immigration, maternal health, public benefits, and health insurance.<sup>81</sup> The next most highly ranked services used by abused women were emergency medical services, English as a second language classes, child care, and reproductive health.<sup>82</sup>

It is incumbent upon service providers from which immigrant women seek services to take affirmative steps to become a conduit through which immigrant women can receive information about their legal rights. This is particularly true in light of the fact that few immigrant women surveyed ever sought services from programs specifically designed to assist battered women—lawyers, police, battered women's programs, and crisis hotlines. Immigration attorneys, health care providers, public benefits workers, ESL teachers, and child care providers who work in communities with significant non-English speaking populations, with military installations,<sup>83</sup> or with universities<sup>84</sup> are very likely to encounter

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78. For examples of materials on domestic violence that use pictures, contact Lideres Campesinas in California, Rachel Rodriguez at the University of Wisconsin at Madison, and the Migrant Clinicians Network in Austin, Texas.

79. Public service announcements on the Violence Against Women Act's (VAWA) immigration provisions in English and Spanish for television and radio were developed at Ayuda and are available from the NOW Legal Defense and Education Fund's Washington, DC, office.

80. *See supra* tbls. 6-11.

81. *See supra* tbls. 9, 10. It is important to note that the rate of use of public benefits was twice as high among battered immigrants than among immigrants who were not abused. *See supra* tbl. 9.

82. *See supra* tbl. 9.

83. Social service providers working in communities with military installations see larger numbers of immigrant women who are spouses of U.S. military personnel. These immigrant spouses are often extremely isolated and do not have access to any culturally based community support system.

84. Many universities have significant populations of immigrant students and faculty members. These students or faculty members may become victims of domestic violence. Similarly, many immigrant students and faculty members may be living in the United States on non-immigrant visas and may have family members whom they bring with them. Many spouses and children of non-immigrant visa holders are granted permission to live in the United States based on their familial relationship to

immigrant women in their work. These professionals must educate themselves about the legal rights of abused immigrants to obtain protection orders,<sup>85</sup> immigration benefits,<sup>86</sup> public benefits,<sup>87</sup> and access to shelters and transitional housing programs.<sup>88</sup> These service providers must have informational literature on domestic violence for clients available in public locations including their waiting rooms and public restrooms. Further, they must develop relationships with the organizations in their community that can help battered women and must learn how to detect signs indicating that a client may be a domestic violence victim.

### C. Recommendations for Immigration Lawyers

While undocumented Latina immigrants visited immigration professionals at significantly lower rates than did U.S. citizens, lawful permanent residents, and temporary residents,<sup>89</sup> physically and sexually abused Latinas used more immigration services than did other immigrant women.<sup>90</sup> Battered immigrant Latinas reported using more immigration assistance than any other form of service.<sup>91</sup> Immigration attorneys, paralegals and office staff must learn to identify the signs of domestic violence, power and control. Immigration lawyers and paralegals working on family-based visa petitions need to recognize the signs that domestic violence may exist in a relationship. These may be observed from

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the student visa holder or the faculty member with a non-immigrant work visa. If the family members of non-immigrant visa holders are abused, they will need the help of domestic violence services in the community to assist them. The immigration remedies available to help these battered immigrants may be limited, but they are eligible for the full range of civil and criminal court protections (protection orders, custody orders) and are guaranteed full access to all community based services for battered women. See Leslye E. Orloff & Rachel Little, *SOMEWHERE TO TURN: MAKING DOMESTIC VIOLENCE SERVICES ACCESSIBLE TO BATTERED IMMIGRANT WOMEN* 40-41. See also *Specification of Community Programs Necessary to Protect Life or Safety Under Welfare Reform Legislation*, 61 Fed. Reg. 45,985 (Dep't Justice 1996) (mandating that certain government-funded programs be open to even non-qualified alien residents) [hereinafter AG Order].

85. In all fifty states and the District of Columbia, adults who are abused may file for protection orders. See Leslye Orloff, *Providing Legal Protection for Battered Women: An Analysis of State Statutes and Case Law*, 21 HOFSTRA LAW REV. 801 842-46 (1993).

86. See generally VAWA, *supra* note 43.

87. See PRWORA, *supra* note 64; Illegal Immigration Reform and Immigration Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (codified as amended in scattered sections of 8 U.S.C. and 18 U.S.C. (Supp. II. 1996)) [hereinafter IIRIRA].

88. The U.S. Attorney General has set forth a guidance determining that many public benefits and housing benefits be provided for immigrants, especially battered immigrants. See *Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*, 62 Fed. Reg. 61,344, 61,348 (1997). The U.S. Attorney General also issued an order directing that short-term shelter programs offered at the community level (including emergency shelters and transitional housing for up to 2 years) must be open to all immigrants, even those who are undocumented. See AG Order, *supra* note 84.

89. See *supra* tbl. 14.

90. See *supra* tbl. 9.

91. See *supra* tbl. 10.

physical injuries (e.g., a bruise, a cut, walking with a limp) or from the abuser's behavior during the interview with the lawyer or the paralegal.<sup>92</sup> An abuser may hover around his partner or he may not allow her to go anywhere or speak to anyone without him. He may answer questions directed at his wife. The wife may seem too intimidated or uncomfortable to speak or to disagree with her husband when he is present. If the immigration attorney wishes to interview the wife separately, the husband may hover outside of the door attempting to hear what is being said. Collecting the information needed to prove that the existence of a valid marriage may reveal information that provides clues that the beneficiary may be a victim of domestic violence.<sup>93</sup> In discussing the relationship the abuser may make comments that express jealousy or may provide information that indicates that he has full control of marital assets and his wife has little access to or information about marital finances. The parties may have no joint bank accounts and only the citizen spouse's name may be on the deed or lease for the marital residence; such facts could be indicators of an abusive relationship. Immigration attorneys, paralegals, and accredited representatives who observe signs of suspected domestic violence should try to find an opportunity to talk to the suspected victim separately and should provide her with referrals to domestic violence service providers in the community.

The actions taken by immigration attorneys and other immigration practitioners should be governed by two basic ethical principles:

- 1) The safety of the victim and children must be regarded as a priority, and the victim must be referred for help to domestic violence programs in the community; and
- 2) The immigration practitioner must take no actions that will harm the victim or the children.

Immigration attorneys should develop relationships with local domestic violence service providers. Immigration attorneys, paralegals, accredited representatives, and office staff working in immigration offices should all receive domestic violence training, particularly in offices that regularly handle family-based visa petitions. Staff at local domestic violence programs can provide this training and can invite immigration practitioners to participate in any training that they may hold in the community.

All offices of immigration practitioners should obtain outreach information

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92. See CAROLE WARSHAW & ANNE L. GANLEY, FAMILY VIOLENCE PREVENTION FUND, IMPROVING HEALTH CARE RESPONSE TO DOMESTIC VIOLENCE: A RESOURCE MANUAL FOR HEALTH CARE PROVIDERS 58 (2d ed. 1998).

93. In an immigration case, the beneficiary is the person for whom the family based visa petition is being filed. Immigration attorneys are most likely to encounter battered women and children who are the beneficiaries of visa petitions filed by abusive U.S. citizen or lawful permanent resident spouses or parents. However, in some instances the U.S. citizen or lawful permanent resident abused spouse may be filing a visa petition for their abusive undocumented spouse.

about domestic violence and battered immigrant women's legal rights.<sup>94</sup> These brochures should be placed in the waiting rooms of immigration attorneys' offices. Some should also be placed in the public restrooms.

Immigration attorneys working on family-based visa petitions should rewrite their client retainer contracts to make it clear that the attorney is representing both the U.S. citizen or lawful permanent resident spouse who is the petitioner and the immigrant spouse and/or child who is the beneficiary on whose behalf the immigration visa petition is being filed.<sup>95</sup> The contract should also state that if the interests of the petitioner and beneficiary become adverse to each other, as in the case of domestic violence, the attorney has the right to sever the relationship. The attorney may choose to cease representation of the abuser or may continue representing him, but must ethically refuse to take any actions that would harm the battered immigrant beneficiary. The attorney may also choose to stop representing the abuser and may continue to represent the beneficiary. In each case the attorney must try to find a way to speak with the battered immigrant separately without alerting the abuser.<sup>96</sup> The attorney must inform her about the relief that may be available to her under the Violence Against Women Act (VAWA);<sup>97</sup> if the attorney will not continue representing the battered immigrant she must be provided with a referral to another immigration practitioner who can assist her in filing a self-petition.

Immigration attorneys must identify other immigration resources available in the community to whom they can refer battered immigrant women and children. This can be accomplished in a variety of ways. There may be a community based immigrant rights organization that specializes in assisting battered immigrant women in VAWA cases. Even when such an organization exists, the demand for services often outstrips their resources. All communities should create a pool of immigration attorneys, immigration advocates and *pro bono* attorneys who are trained in domestic violence and who are knowledgeable about the immigration laws that can benefit battered immigrants. With this pool, immigration attorneys who discover conflicts in family-based visa petition cases due to domestic violence will be able to refer battered immigrants to person from whom they can obtain competent representation. Attorneys should be willing to both refer and take clients from the pool. Networks of *pro bono* attorneys can play a key role in expanding access to legal representation for

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94. Materials can be ordered from the Immigrant Women Program of NOW Legal Defense and Education Fund. They are available in English, Spanish, Russian, Vietnamese, Chinese, and Korean. Referrals to organizations that have developed materials in other languages can also be provided.

95. Interview with Gail Pendelton, Associate Director, National Immigration Project National Lawyer's Guild, Boston, Massachusetts (Mar. 16, 2000).

96. The survey provided evidence demonstrating some willingness on the part of battered immigrants to communicate about domestic violence matters with lawyers. One in ten battered Latinas in the survey sought services from an attorney and almost as many spoke with lawyers about domestic violence. See *supra* tbls. 10, 4.

97. *But see* U.S. v. Morrison, 120 S.Ct. 1740 (2000) (finding the civil remedy provision unconstitutional).

battered immigrants as they can be the primary resources in many communities to which immigration attorneys sensitive to issues of domestic violence can refer battered immigrants for help.

Referrals to this network of attorneys can also be made when an immigration attorney representing a battered immigrant discovers that the battered immigrant woman may have been abusive to her children. In these cases, a pro bono attorney could represent the children's interests while the immigration attorney represents the mother in the self-petitioning case before INS. While in many cases the interests of the mother and children will not differ, having two attorneys allows both the mother and children to be zealously represented.

#### *D. The Role of Health Care Providers*

In August 1997, the U.S. Department of Justice reported that one out of every three women who go to the emergency room are victims of domestic violence, and that in recent years an increasing number of domestic violence cases are reported by all health care providers.<sup>98</sup> Our survey also found higher rates of use of health care services by Latina immigrants who were physically and sexually abused than by other Latina immigrants.<sup>99</sup> Thus, when health care providers see immigrant women, a higher proportion is likely to have been abused. Battered immigrants most often saw three distinct types of health care providers: persons providing maternal health, reproductive health, and emergency medical services.<sup>100</sup> However, language barriers, lack of knowledge about services, and fear of being reported to immigration officials keep the numbers of battered immigrant women who do seek health care low.<sup>101</sup> Almost three quarters of all the battered immigrants surveyed reported never using maternal or child health services.<sup>102</sup> In addition, only one fifth of battered women reported seeking emergency health services.<sup>103</sup> For these reasons, when immigrant women do seek these health services, providers must not forego the opportunity to screen for domestic violence.

If immigrants are not so screened, a critical opportunity to break through a woman's isolation may be forever lost. Health care providers who do not screen in a systemic, continuous fashion run the risk of contributing to battered immigrant's isolation and lack of knowledge about help available.<sup>104</sup> Health care professionals must let battered immigrant women know that the health care provider is a safe person she can turn to for help regarding domestic violence

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98. See WARSHAW & GANLEY, *supra* note 92, at 4.

99. See *supra* tbl. 10.

100. See *supra* tbls. 9, 10.

101. See *supra* tbl. 15.

102. See *supra* tbl. 11.

103. See *id.*

104. Almost one fourth of the battered immigrant women surveyed reported not seeking services and help because they did not know that the services existed. See *supra* tbl. 16.

outside of her family and perhaps outside of her community.<sup>105</sup> For many victims of domestic violence, the only professional in a position to attempt to discuss the abuse is a health care provider.<sup>106</sup>

In the case of battered immigrants, when the chance to screen and counsel a patient does occur, it is essential that health care providers be able to provide language-appropriate and culturally competent aid. In order to accomplish this, emergency, maternal and child, and reproductive health providers must have access to language interpreters so that screening and other needed services can be provided in each patient's language.<sup>107</sup> Discussions about abuse require that the victim place a good deal of confidence and trust in the listener. A thorough grasp of language and cultural subtleties<sup>108</sup> can make the difference between a small cry for help being heard loud and clear or not at all.

Health professionals should receive language and cultural training so that they can correctly assess and address domestic violence issues that inevitably arise. If the provider cannot fluently speak the immigrant woman's language, it is essential that there be an interpreter on-call. Family members must not be used as interpreters since they may be unsympathetic, may side with the

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105. Health professionals in states with mandatory reporting of domestic violence incidents must ask about domestic violence in cases where they suspect that they may have to report the abuse only after disclosing to the victim that information that they provide will have to be reported. This provides the victim with an opportunity to make an informed choice about whether they wish to disclose the fact to the domestic violence to the health care provider knowing that it will have to be reported. See *San Francisco Domestic Violence Health Care Protocol*, in WARSHAW & GANLEY, *supra* note 92, § C, 9-10.

106. Health professionals can often reach battered immigrants that other professionals cannot reach. This is true because for various cultural, physical, and personal reasons, the police, legal system, or battered women's services may not be an appropriate or available choice for a particular battered immigrant. See WARSHAW & GANLEY, *supra* note 92, at 29.

107. Even programs with bi-lingual, bi-cultural staff will need to set up an arrangement with interpreters to assist with language needs beyond the languages that can be offered by staff. Particularly in communities with military installations, with significant numbers of ex-military personnel and in communities with universities, programs will encounter larger numbers of immigrant women living with an abusive spouse who may be a U.S. citizen, a lawful permanent resident or a non-immigrant visa holder. These women are often isolated from a greater immigrant community of persons who speak their language and many will have a limited ability to communicate effectively in English about private details of their lives and domestic violence. Programs should explore training language professors and students from a local university on domestic violence and hiring these professionals on an as needed basis. In communities with significant language minority populations, immigrant community volunteers should be recruited and trained on domestic violence and interpreting to supplement the work of bilingual staff. In the alternative, all health care programs (and other programs serving battered women) should set up a contract with Language Line Services so as to have translation services available whenever needed. See Language Line Services, *We Help You Speak Business in Over 140 Languages* (visited May 17, 2000) <<http://www.language.com/index.html>>.

108. Those who work with battered immigrants must be very careful not to let cultural prejudices affect their judgement, treat each client objectively, yet exercise and act on knowledge of culturally specific issues, including recognition of self-blame, different family support structures (or lack thereof), and concepts of privacy. See SUJATA WARRIER AND JOELLEN BRAININ-RODRIGUEZ, FAMILY VIOLENCE PREVENTION FUND, FROM SENSITIVITY TO COMPETENCY: CLINICAL AND DEPARTMENTAL GUIDELINES TO ACHIEVING CULTURAL COMPETENCY, App. A (1995); see also LETI VOLPP, FAMILY VIOLENCE PREVENTION FUND, WORKING WITH BATTERED IMMIGRANT WOMEN: A HANDBOOK TO MAKE SERVICES ACCESSIBLE (1995).

abusers, or may be abusers themselves. Children should never be used as interpreters. Doing so can subject them to the trauma of reliving the violence they witnessed and can place them and their abused mother in danger when the abuser forces the child to disclose the fact that their mother has sought help. Furthermore, for a variety of reasons including staff turnover, changes in the law, and increased depth and breadth of contact as staff begin to work with battered immigrants, training should be offered on continuous basis, not as a one-time effort.

### *E. Immigration Status as a Power and Control Tool*

The survey revealed no connection between the immigration status of the abuse victim and whether she was likely to be abused. Women of all immigration statuses reported similar physical and/or sexual abuse rates, whether they were citizens and lawful permanent residents, women with temporary legal immigration status, or undocumented women. These findings parallel results found by other researchers with regard to the effect of socio-economic status on the probability of whether or not a woman may be abused in the United States.<sup>109</sup>

Among married immigrant Latinas, we did find that citizen and lawful permanent resident spouses used their power and control over the immigrant spouse's immigration status to deny their immigrant spouses access to legal immigration status. Almost half of abused immigrant women in our survey were married to U.S. citizens or lawful permanent residents who never filed immigration papers for them. Many who did file delayed filing for an average of almost 4 years.

In another article written by these authors based on the same survey, we found that physically and/or sexually abused battered women experienced significantly higher rates of immigration related abuse (23%) than immigrants who were victims of psychological abuse (3%).<sup>110</sup> We also found that immigrants experiencing physical and/or sexual abuse received from their abusers threats of deportation, threats of refusal to file papers, and threats to call INS at over ten times the rate experienced by psychologically abused women.<sup>111</sup>

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109. Domestic Violence affects all women regardless of income. From August 1, 1989 to January 26, 1990, faculty members at Midwestern State University took a random statewide survey of 6,000 women by mail. More than half of women who reported abuse came from families with incomes over \$35,000. Over 70% of these victims were Anglo, while 10.4% were Black; even fewer, 9.5%, were Hispanic. More than 18% of the victims reported that the abusers had a bachelor's degree or higher. See STATISTICS PACKET, *supra* note 66 (citing M.C. Moewe, *The Hidden Violence: For Richer or Poorer*, FORT WORTH STAR-TELEGRAM, Apr. 5, 1992).

While domestic violence spans all races and socio-economic levels, 33.5% of the victims of abuse held professional occupations, 22% worked in the clerical field, and 16.7% were homemakers. In regards to education level of victims, 87.5% had some college, 33.0% had earned a college degree, and 18.9% had received a high school diploma or its equivalent. *See id.*

110. Giselle Hass et al., *Lifetime Prevalence of Violence Against Latina Immigrants: Legal and Policy Implications*, INT'L J. OF CRIMINOLOGY (forthcoming Spring 2000).

111. *See id.*

Fear of being reported to immigration kept 21.7% of battered immigrants in the General Population Group from leaving their abusers.<sup>112</sup> It also prevented many of the women surveyed from taking the essential steps that could lead to escape. The fear of being reported to immigration and fear of deportation were rated as either the first or second most intimidating factor that kept battered immigrants from seeking the services they needed to end the abusive relationship and create a safe and economically viable home apart from her abuser.<sup>113</sup> Because 11.5% of immigrant women who were U.S. citizens and lawful permanent residents and 30.4% of women who were in the United States on temporary visas identified fears of problems with immigration as a barrier to accessing services,<sup>114</sup> we must acknowledge that immigrant women have a very real, deep-seeded fear of immigration and deportation. These fears do not end with attainment of legal immigration status. For this reason, threats of deportation are very powerful tools used by abusers of immigrant women to keep them in abusive relationships and prevent them from seeking help.

Historically, immigration laws placed citizens and lawful permanent residents in control of determining when and whether to file for immigration benefits for their immigrant spouses and children. In non-abusive relationships, the citizen or lawful permanent resident spouse would file immigration papers asking that their spouse be granted lawful permanent residency shortly after the marriage. If the couple has been married for less than two years at the time they attend the interview on the family-based visa petition, then the immigrant spouse is granted conditional rather than permanent residency.<sup>115</sup> In order to obtain permanent residency at the end of a two year period following receipt of conditional residency, the couple must file a "joint petition" to remove the condition or the immigrant spouse must file for a waiver of the joint petition.<sup>116</sup> Three types of waivers are available: a battered spouse waiver, an extreme hardship waiver, and a waiver based on divorce.<sup>117</sup> After the joint petition or waiver has been granted, the immigrant spouse will receive full permanent residency. If the couple has been married longer than two years at the time of the INS interview, then the immigrant spouse will receive lawful permanent residency rather than conditional residency. Once the family-based petition has been approved by the INS, spouses of lawful permanent residents must wait, often up to six years, until a visa becomes available. These procedures granting citizens and lawful permanent residents control over when and whether to file immigration papers for their immigrant spouses encourages abuse by strengthening the abuser's control over his spouse.

The immigration provisions of the Violence Against Women Act were de-

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112. See tbl. 13.

113. See tbls. 15, 16, 17.

114. See tbl. 17.

115. See Immigration and Nationality Act, § 216, 8 U.S.C.A. § 1186a (West 1999).

116. See *id.* § 1186a(c)(1)(A).

117. See *id.* § 1186a(a)(1).

signed to give battered immigrants the ability to file for and control their own immigration cases.<sup>118</sup> In crafting and enacting VAWA, Congress clearly stated that one of its purposes was to allow “battered immigrant women to leave their batterers without fearing deportation.”<sup>119</sup> Legislators found high levels of abuse when citizens and lawful permanent residents were married to immigrant spouses who were dependent on them for attaining legal immigration status.<sup>120</sup> This survey’s findings support Congress’ conclusion that many spouses of abused immigrant women never file visa petitions on the immigrant spouse’s behalf.<sup>121</sup> Congress realized that a spouse with permanent immigration status could revoke<sup>122</sup> his battered spouse’s petition at any time, thus not only frustrating his victim’s attempt to gain legal status, but also thwarting potential calls for help by threatening to have her deported if she tried to contact the police or obtain a protection order.<sup>123</sup> In VAWA, Congress gave battered immigrants the power to petition for legal status on their own, without their husband’s cooperation or knowledge and without having to leave the United States.<sup>124</sup>

The Violence Against Women Act’s immigration provisions, however, are only part of the solution. Many battered immigrants do not qualify for immigration relief under VAWA, but do qualify despite undocumented immigration status for a broad array of other domestic violence services. All programs, services, and civil, family, and criminal laws designed to offer help and protection to battered women are equally open to battered immigrant women without

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118. VAWA, *supra* note 43.

119. H.R. REP. NO. 103-395, at 25 (1993).

120. *See id.*; S. REP. NO. 101-545, at 38-39 (1990). *See generally* ROBIN L. CAMPO ET AL., FAMILY VIOLENCE PREVENTION FUND ET AL., UNTOLD STORIES: CASES DOCUMENTING ABUSE BY U.S. CITIZENS AND LAWFUL RESIDENTS ON IMMIGRANT SPOUSES (1993).

121. *See* H.R. REP. NO. 103-395, at 26-27.

122. VAWA only partially resolved this problem of an abuser’s power over revocation of a family based petition. Further changes are needed to fully cut off a citizen or lawful permanent resident abuser’s ability to continue to exert control over his spouse’s immigration status. Some U.S. citizen and lawful permanent resident abusers will file a petition for lawful permanent residency for their spouse, revoke the petition and report the undocumented status of their immigrant spouses to INS claiming marriage fraud. *See* 8 C.F.R. § 205.1(a) (2000). If they are successful in convincing INS to arrest the undocumented spouse and place her in removal proceedings she may not be able to raise a VAWA defense because she has been in the country for under three years. Under current law, once a removal case has been initiated INS cannot withdraw the case unless the immigration judge agrees to close it. *See* 8 U.S.C. § 1229(a) (1994). This practice subjects otherwise VAWA eligible battered immigrants to removal, even when they would otherwise be eligible to self-petition under VAWA and gives abusers of immigrant women a further way to continue to exert control over her. Changes to immigration law have been introduced in the Battered Immigrant Women’s Protection Act of 1999 that will allow INS to close a case that has been filed in the immigration courts upon learning that the information that INS relied upon in opening the case was provided by an abuser. *See* H.R. 3083, 106th Cong. (1999). Training of INS officers and immigration judges may also result in the implementation of more enlightened policies and practices under which INS would request and immigration judges would grant dismissal of cases in these circumstances even without statutory change.

123. *See* H.R. REP. NO. 103-395, at 26-27.

124. *See* H.R. REP. NO. 103-1133, Subtitle D § 241(a) (1993).

regard to their immigration status.<sup>125</sup> Any other approach would treat crimes committed against non-citizens as less serious than the same offense committed against citizens. This would create a class of abusers who would be, as a practical matter, immune from prosecution, based on the immigration status of their victim. The Violence Against Women Act, which passed Congress in 1994 as part of a larger crime bill, sought to ensure that all domestic violence crimes, whomever the victim, were taken seriously. In enacting VAWA Congress issued a powerful statement that violence against women was a crime that must be taken seriously. Congress was concerned about "the . . . attitude that this violence is somehow less serious than other crimes and . . . the resulting failure of our criminal justice system to address such violence."<sup>126</sup>

Further, to ensure that all women benefitted equally from VAWA's protections, Congress explicitly recognized that undeserved populations of battered women, including immigrant battered women, would have greater difficulty accessing protection from the civil and criminal justice systems and included in the legislation provisions that address the special needs of those populations of battered women.<sup>127</sup> VAWA reconfirmed that all battered immigrant women have full access to protection orders, can report domestic violence crimes, and can have their abusers prosecuted in the same matter as any other battered woman even if they do not have legal immigration status.<sup>128</sup>

#### F. Battered Immigrants and Welfare Benefits

Economic obstacles pose significant barriers that impede battered immigrant women's efforts to separate from their abusers and attain economic self-sufficiency apart from their abusers. Physically and sexually abused battered immigrant women surveyed reported that the single greatest barrier to leaving an abusive relationship was lack of money.<sup>129</sup> These economic obstacles are even greater when battered immigrants still living with their abusers<sup>130</sup> are compared with the general population of physically and sexually abused battered women for the following economic barriers: lack of money (67.1% v. 40%), lack of employment (31.8% vs. 20%), lack of English language proficiency (25.9% vs. 17.5%), lack of a place to go if they leave (35.3% vs. 18.3%),

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125. See LESLYE E. ORLOFF AND RACHEL LITTLE, AYUDA, INC., *SOMEWHERE TO TURN: MAKING DOMESTIC VIOLENCE SERVICES ACCESSIBLE TO BATTERED IMMIGRANT WOMEN* 40-41 (1999).

126. S. REP. NO. 103-108, at 38 (1993).

127. VAWA, *supra* note 43, Tit. IV (amending the Immigration and Nationality Act to grant aliens petitioning rights for immediate relative or second preference status). See also LESLYE E. ORLOFF AND RACHEL RODRIGUEZ, MIGRANT CLINICIANS NETWORK, *BARRIERS TO DOMESTIC VIOLENCE RELIEF AND FULL FAITH AND CREDIT FOR IMMIGRANT AND MIGRANT BATTERED WOMEN 2* (2000).

128. See Catherine F. Klein & Leslye E. Orloff, *Providing Legal Protection for Battered Women: An Analysis of Statutes and Case Law* 21 HOFSTRA L. REV. 804, 1025-26 (1993).

129. See *supra* tbl. 12.

130. See *supra* tbl. 13.

and lack of knowledge about where they might go (24.7% vs. 15%).<sup>131</sup> Battered women in the general population experienced each of these barriers to leaving a relationship at significantly higher rates than immigrant women who had not experienced abuse.<sup>132</sup>

A review of the demographics of the survey participants underscores the difficulties the battered immigrant women in our survey face when they consider leaving an abuser who has been providing economic support for the battered woman and her children. Although over half of the immigrant women interviewed worked at least part time, they earned extremely low incomes.<sup>133</sup> Over 60% earned less than \$9,000 per year,<sup>134</sup> and many were unemployed.<sup>135</sup> For these battered immigrant women and many others like them, access to the welfare safety net to help them escape abuse is essential. Without access to public benefits and work opportunities, battered immigrants and their children must choose between facing ongoing danger at home and leaving their abuser to encounter the dangers of starvation and poverty.

Because access to public benefits can provide life saving assistance to battered immigrant women and their children, we examined welfare usage patterns among immigrant Latina women who either qualified for benefits for themselves or could receive a reduced level of public benefits for their U.S. citizen and lawful permanent resident children. This survey was conducted among immigrant women in the DC metropolitan area between 1991 and 1994 at a time before the Personal Responsibility and Work Opportunity Reconciliation Act of 1996<sup>136</sup> had become law. We found that despite the dire need for economic assistance described above, few immigrant women eligible to receive public benefits sought them. The disparity between immigrant women's actual access of services compared to their tremendous need for these services is striking.

While the survey population contains a high proportion of poor women who would have qualified for food stamps, Medicaid, and AFDC<sup>137</sup> for themselves and/or their children at the time of the survey, benefits usage by this population was disproportionately low in light of the clear need.<sup>138</sup> Among the battered

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131. See *supra* tbls. 12 & 13.

132. See *supra* tbl. 12.

133. See *supra* tbls. 1 & 2.

134. See *supra* tbls. 1 & 2.

135. See *supra* tbl. 2.

136. See PRWORA, *supra* note 64.

137. See 42 U.S.C. § 602 (1994) (establishing that for states to receive federal aid, they must form a public assistance program which meets certain criteria). If the immigrant woman or her child were a citizen, lawful permanent resident, refugee, receiver of asylum, conditional entrant, or parolee, they were eligible to receive AFDC benefits. See Charles Wheeler, *Public Benefits for Immigrants and Refugees*, in DOMESTIC VIOLENCE IN IMMIGRANT AND REFUGEE COMMUNITIES: ASSERTING THE RIGHTS OF BATTERED WOMEN IX-9, app. XIII-1 (Deeana Jang et al. eds., 1991); NATIONAL IMMIGRATION LAW CENTER, GUIDE TO ALIEN ELIGIBILITY FOR FEDERAL PROGRAMS (1992). A more limited number of immigrants who qualified for SSI were eligible to apply for food stamps. See 7 C.F.R. § 273.8(e)(17) (1993).

138. See *supra* tbls. 6, 7, 8.

immigrant women in the survey who did access public benefits, health care<sup>139</sup> and nutrition programs were the primary forms of assistance sought.<sup>140</sup> Although 54.3% of battered immigrant women in the survey were unemployed<sup>141</sup> and 61.1% earned less than \$9,000 per year,<sup>142</sup> few sought Medicaid (35.3%), food stamps (28.4), free school meals for their children (25.9%), DC Medical assistance (15.9%), subsidized child care (10.9%) or AFDC (5.9%).<sup>143</sup> Further, undocumented immigrants, including undocumented battered immigrants, accessed significantly less medical assistance than did other immigrants in the survey.<sup>144</sup> The immigrant Latinas in the survey reported almost no use of workers compensation, SSI or social security benefits.<sup>145</sup> AFDC usage was also extremely low.<sup>146</sup> While many battered immigrants, their children, or both clearly qualified for more government services, it appears that barriers (which included fear of immigration, fear of the government, lack of knowledge that the benefit existed at all, and lack of language mastery) prevented most from accessing these potential resources.<sup>147</sup> These survey findings counter stereotypical attitudes about immigrants and welfare use. The Latina immigrants in this survey were most often working. Despite the fact that they earned very low incomes and qualified for benefits, few sought benefits.

These survey findings confirm that even during the years 1991 through 1994, a time before welfare reform when immigrants had greater access to the public benefits safety net and when no workers in welfare programs were required to report undocumented immigrants to INS, few immigrant women and battered immigrant women sought public assistance. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) recognized that welfare reform had cut too far back on battered immigrants' ability to access public benefits and expanded access to public benefits (except food stamps and SSI) to battered immigrant women and children who had filed a VAWA case or whose spouse or parent had filed a family-based visa petition with INS.<sup>148</sup> However,

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139. One in five women victimized by their partner reported that she had been a victim of at least three assaults in the last six months. See M. ZAWITZ ET AL., U.S. DEPARTMENT OF JUSTICE, HIGHLIGHTS FROM 10 YEARS OF SURVEYING CRIME VICTIMS: THE NATIONAL CRIME VICTIMIZATION SURVEY, 1973-1992 at 25 (1993). Adult victims of domestic violence incur 15% of the total cost of crime in the U.S., which could amount to over \$67 billion per year. See NATIONAL INSTITUTE OF JUSTICE, VICTIMS' COSTS AND CONSEQUENCES, A NEW LOOK (1996). Battered immigrant women without health insurance have few options except for Medicaid to cover costs of health care or hospitalization related to the abuse. Only 21% of the battered immigrant women in our survey reported having access to health insurance. See *supra* tbl. 11.

140. See *supra* tbls. 7, 8.

141. See *supra* tbl. 2.

142. See *id.*

143. See *supra* tbl. 8.

144. See *supra* tbl. 6.

145. See *id.*

146. See *supra* tbls. 6, 7, 8.

147. See *supra* tbl. 15.

148. IIRIRA, *supra* note 87, § 501 (amending PRWORA by adding Section 431(c), codified at 8 U.S.C. § 1641(c) (Supp. II 1996)).

unless the barriers to seeking assistance and fears about accessing public benefits are addressed, battered immigrants will not seek the services that have been made available to them.

There are several legal and systemic obstacles that must be addressed if the public benefits safety net is to be made truly accessible to isolated battered immigrants like the ones in this survey. First, battered women's advocates and attorneys must be educated about the legal rights of battered immigrant women and of their children to access certain public benefits. The complexities of immigration laws and welfare laws concerning battered immigrant women, lack of information about these laws by welfare workers, and language barriers make it virtually impossible for a battered immigrant to apply for welfare benefits on her own. A trained battered women's advocate must accompany her to the welfare office, must take copies of the relevant laws, must advocate that her client's case be accepted and must document the response of welfare workers on the case.

Second, advocates and welfare workers must receive training on the Attorney General's order setting forth guidance to the states on how welfare workers are to process cases of battered immigrants. The Attorney General's guidance is designed to ensure that state officials make inquiries into the immigration status of an applicant only when it is necessary to do so.<sup>149</sup> The guidance sets out procedures that allow the state benefits provider only to ask immigration status question solely about the applicant.<sup>150</sup> This means also that when children apply for these benefits, the worker may only ask questions about the status of the child, not about the status of the applicant's mother if she is not applying herself. The Attorney General's guidance was designed with the dual purpose of preventing discrimination against applicants and removing barriers to services that exist in many immigrant communities.<sup>151</sup> The results of the survey confirm the existence of exactly the barriers that the Attorney General sought to counter as the primary impediments to immigrants seeking services: fear of the INS, fear of the government, and lack of English language proficiency.<sup>152</sup> The guidance adopts the proper approach for state welfare workers to follow. Advocates must become familiar with the guidance and must urge benefits workers to adhere to its guidelines.

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149. See Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. 61,344, 61,346 (1997). It explains that Title VI "prohibits discrimination on the basis of race, color, or national origin in any program . . . that receives federal funds or other federal assistance" and that therefore in "implementing the requirements of the Act. . . a provider should not, on the basis of race, color or national origin, directly or indirectly differentiate among persons [or] single out individuals who look or sound foreign for closer scrutiny or require them to provide additional documentation of citizenship or immigration status"; the provider's decision "cannot turn on the fact that the applicant looks or sounds foreign or has an ethnic surname." *Id.* at 61,346-47.

150. See *id.* at 61,347 (explaining that if an alien is applying for benefits on behalf of another person, the INS can only verify the status of the person who will actually receive the benefits).

151. See *id.* at 61,344.

152. See *supra* tbl. 15.

Finally, if battered immigrant women and children are to be able to flee their U.S. citizen and lawful permanent resident abusers they must have the same access to public benefits granted to abused citizens. Impediments in current laws and practices that undermine battered immigrant women's ability to access the full range of public benefits in escaping abuse must be removed. The INS and the Justice Department must clarify that battered immigrant women and children who access public benefits authorized in IIRIRA<sup>153</sup> are exempt from public charge determinations that could bar access to lawful permanent residency for battered immigrants who used public benefits to escape abuse.<sup>154</sup> The welfare laws must be amended to grant access to food stamps and Supplemental Security Income (SSI) for battered immigrant women who are qualified aliens eligible to access other forms of public benefits.<sup>155</sup> Additionally, battered immigrant qualified aliens who first entered the United States after August 22, 1996 and who are abused by U.S. citizen and lawful permanent resident spouses must not be barred for five years from accessing public benefits.<sup>156</sup>

#### *G. Countering Battered Immigrant Women's Obstacles to Leaving with Culturally Sensitive Services*

Very few of the battered immigrant women in the survey accessed services designed to help battered women.<sup>157</sup> Language problems, fear of immigration, lack of knowledge about the services, and a general fear were cited as the primary reasons battered immigrant women did not seek services.<sup>158</sup> If battered women's and legal services providers are to effectively assist battered immigrant women, programs must be designed to specifically address these barriers. Bi-lingual and bi-cultural staff that

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153. Immigration and Naturalization Service, *Questions and Answers: Public Charge* (visited Mar. 31, 2000) <[http://www.ins.usdoj.gov/graphics/publicaffairs/questsans/public\\_cqa.htm](http://www.ins.usdoj.gov/graphics/publicaffairs/questsans/public_cqa.htm)>.

154. See Letter from Ayuda to Commissioner Doris Meissner, the Immigration and Naturalization Service (Nov. 3, 1998) (on file with author). See also Leslye E. Orloff, *Lifesaving Welfare Safety Net Access for Battered Immigrant Women and Children: Accomplishments and Next Steps*, WM. & MARY L. REV. (forthcoming Summer 2000). INS has reserved decision on this issue, which is still under consideration.

155. These proposed legislative reforms are included in Section 10(d) of the Battered Immigrant Women's Protection Act of 1999, Section 7(a) of the Fairness for Legal Immigrants Act of 1999, and Section 1063 of the Battered Women's Economic Security and Safety Act. Battered Immigrant Women's Protection Act of 1999 § 10(d), H.R. 3083, 106th Cong. (1999); Fairness for Legal Immigrants Act of 1999 § 7(a), S. 792, 106th Cong. (1999); Battered Women's Economic Security and Safety Act. § 1063, S. 1069, 106th Cong. (1999). The President's Budget for 2001 contains restorations for Food Stamps and SSI for legal immigrants including battered immigrants who are qualified aliens.

156. These proposed legislative reforms are included in Section 10(e) of the Battered Immigrant Women's Protection Act of 1999, Section 7(b) of the Fairness for Legal Immigrants Act of 1999, and Section 1064 of the Battered Women's Economic Security and Safety Act. Battered Immigrant Women's Protection Act of 1999 § 10(e), H.R. 3083, 106th Cong. (1999); Fairness for Legal Immigrants Act of 1999 § 7(b), S. 792, 106th Cong. (1999); Battered Women's Economic Security and Safety Act. § 1064, S. 1069, 106th Cong. (1999).

157. See *supra* tbl. 11.

158. See *supra* tbl. 16.

speak a variety of languages must be recruited and hired as staff in domestic violence programs, legal services offices, and the courts.

Interpreter services must be fully funded and become as widely available in domestic violence cases as in criminal matters. State coalitions against domestic violence must join with immigrant rights groups leading a campaign to ensure that states and local jurisdictions develop interpreter services programs with court certified interpreters. Some jurisdictions have passed laws creating state funded interpreters services that make interpreters available in any needed language, charging litigants for these services on a sliding scale.<sup>159</sup> Battered immigrants who cannot afford the costs of interpreter's services can receive them for free or the court may assess the costs of the interpreter to her abuser. In jurisdictions without court interpreter services, advocates and attorneys working with battered immigrants should locate an interpreter who can accompany the victim to court and provide impartial translation services.<sup>160</sup>

Concerns about immigration status must be addressed by service providers attempting to assist immigrant women. To escape an abusive relationship, a battered immigrant must be able find a safe place to live apart from her abuser, access emergency and other medical care for herself and her children, meet child related needs (e.g. custody, child care and child support), and become economically self-sufficient. The finding that battered immigrant women's use of services and support in these areas declines significantly in relation to her immigration status<sup>161</sup> underscores the isolation of many, particularly undocumented, battered immigrants, and emphasizes both the role legal immigration status plays in battered immigrant women's willingness to seek help and the barriers they must overcome when they seek help.

Advocates, attorneys, police, prosecutors, and judges must be trained in battered immigrant women's legal rights and must learn how to provide effective culturally sensitive assistance to battered immigrant women. The training must directly address the roles that fear of deportation and other immigration consequences play in deterring battered immigrants from seeking the help that they need and that they are entitled to receive from our justice, social services, and health care systems. These systems must examine all policies and procedures developed or currently in use to identify and remove barriers to access (e.g. requiring Social Security numbers or asking clients/applicants questions

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159. For example, the District of Columbia requires interpreters for communication-impaired persons or parents of juveniles in judicial, administrative, and legislative proceedings. *See* D.C. CODE ANN. § 31-2702 (1999).

160. Interpreters may be located through community based immigrant's rights, refugee services or religious organizations in the community that serve immigrant populations in the community. Programs can also recruit and train a core of volunteer interpreters or interpreters who agree to be on call and who are paid a fee for their services. These interpreters often can be successfully recruited at local college campuses (*i.e.* students, professors and their spouses), by placing ads in local foreign language newspapers, or by grassroots outreach campaigns to involve immigrant community members in this work. All interpreters recruited must receive domestic violence training.

161. *See supra* tbl. 14.

about immigration status). Programs must be designed to allay battered immigrants' fears and to build trust. Community education about domestic violence designed to reach immigrant women must be more widespread and must provide referrals to programs offering culturally competent services.

The language barriers, lack of knowledge about battered immigrant women's legal rights, anti-immigrant sentiment and race/ethnic bias pose obstacles to battered immigrant women's ability to access help from the justice system, public benefits, and social services. Advocates and attorneys serving battered immigrant women must become knowledgeable about battered immigrants' legal rights and must accompany battered immigrants seeking protection orders, public benefits and the assistance of family and immigration lawyers who may not be familiar with the dynamics of domestic violence or battered immigrant's special needs. Without this assistance, a battered immigrant woman may not be able to successfully obtain the relief she needs from the legal and social service systems. Battered immigrant women's advocates must forge relationships with family lawyers, immigration lawyers, benefits providers and justice system personnel, fostering communication so that action in one case will not cut a battered immigrant off from remedies in another. For example, a divorce can make a battered immigrant ineligible to self-petition under VAWA.

Battered immigrants, whatever their immigration status may be, are guaranteed the same access to the courts in protection order cases as other battered women. If protection orders are to be effective in helping battered immigrant women halt the violence, they must include the full range of relief that battered immigrant women need. Protection orders must address the barriers that keep battered immigrants with their abusers: economics, children, and immigration status. Protection orders must include provisions addressing custody,<sup>162</sup> child support,<sup>163</sup> and other forms of economic relief.<sup>164</sup> Courts have used the broad powers granted them by state protection order statutes to craft effective remedies that will offer much needed special protection to battered immigrants.<sup>165</sup> When courts find that an abuser is using his control over his spouse's immigration status to perpetrate abuse and harassment, courts have granted protection orders that enjoin an abusive citizen or lawful permanent resident spouse from attempting to influence negatively his immigrant spouse's pending immigration case.<sup>166</sup>

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162. See Klein & Orloff, *supra* note 128, at 954-966 (discussing battered women's ability to obtain child custody orders as part of their civil protection orders and the obligations on the courts in most jurisdictions to consider domestic violence when making custody determinations).

163. See *id.* at 998-1000 (reviewing state approaches to providing child support in protection orders). Most states explicitly authorize that child support can be included in protection orders. Other jurisdictions award child support based on an interpretation of the state's catch all provision in the protection order statute that allows the court to order any relief that will help reduce future violence and will help the victim live separately from the abuser.

164. See *id.* at 990-1006. Economic relief might include: payment of spousal support, child support, rent, mortgage, housing costs, health insurance, medical, dental or counseling bills and damages that have resulted from the abuser's violence.

165. See *id.* at 912-14 (discussing catch all provisions).

166. In *Maldonado v. Maldonado*, the DC court issued a protection order that required that "the

For battered immigrant women who contemplate using the protection order to separate from her abuser, battered women's advocates and domestic violence attorneys must accompany battered immigrants to court to help them ensure that they receive all of the relief they need. To help battered immigrant women separate from their abusers and succeed economically, battered women's advocates need to assist them in accessing the broad range of economic relief options available through the courts and through programs like the Victims of Crime Act.<sup>167</sup> This economic assistance will help them separate from their abusers and rebuild their lives.

After economic concerns, fear of losing children was the second-largest barrier preventing battered immigrant Latinas from leaving abusive relationships.<sup>168</sup> If battered immigrant women must risk losing custody of their children, they will not leave abusive relationships. No state family laws require that parties in divorce, custody, child support, or other family law cases have legal immigration status. Residency for purposes of filing a family court case usually requires that one of the parties physically live in the state and has the intent to make the state his or her home. Immigration status is not relevant to this determination. Courts are required to make child custody determinations using the "best interest of the child" legal standard; in most states, domestic violence is a factor the court must consider in making custody decisions.<sup>169</sup> When domestic violence is present the law favors awarding custody to the non-abusive parent.<sup>170</sup> The American Bar Association report on the impact of domestic violence on children strongly recommends against allowing the immigration status of either party to be introduced as evidence in a custody case, particularly if the introduction of such evidence will result in an award of custody to the abusive parent.<sup>171</sup>

#### *H. Need to Offer Services and Assistance to Battered Immigrants Who Choose to Stay with or Return to Their Abusers*

A significant proportion (36.9%) of the battered immigrant women in our survey were still living with their abusers.<sup>172</sup> Many battered women who seek

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husband shall not withdraw the application for permanent residence that he had filed on behalf of the wife." 631 A.2d 40, 41 (D.C. 1993).

167. 42 U.S.C. § 10602(b) provides compensation for medical expenses, loss of wages, and funeral expenses to victims of crimes including domestic violence. See AMERICAN BAR ASSOCIATION AND AYUDA, DOMESTIC VIOLENCE AND IMMIGRATION: APPLYING THE IMMIGRATION PROVISIONS OF THE VIOLENCE AGAINST WOMEN ACT 303-08 (1999) [hereinafter APPLYING VAWA].

168. See *supra* tbls. 12 & 13

169. See Klein & Orloff, *supra* note 128, at 957.

170. See generally *id.*

171. See APPLYING VAWA, *supra* note 167, at 311 (citing HOWARD DAVIDSON, THE IMPACT OF DOMESTIC VIOLENCE ON CHILDREN: A REPORT TO THE PRESIDENT OF THE AMERICAN BAR ASSOCIATION 20 (1994).) See also Leslye E. Orloff et al., *With No Place To Turn: Improving Legal Advocacy for Battered Immigrant Women*, 29 FAM. L.Q. 313, 323 (1995).

172. See table 2 for total number of battered women surveyed (230) and table 13 for total number of the battered women surveyed who were still with their abusers (85).

help to counter domestic violence decide that they are not yet ready to leave the abusive relationship. The reasons for this decision are complex. Economic, child related, and immigration related barriers certainly play a role. Cultural impediments to leaving<sup>173</sup> and the abuser's ongoing propensity for violence also keep many battered immigrants in abusive relationships. Too often, domestic violence cases are taken less seriously because of the mistaken belief that the battered woman is not taking the danger seriously; otherwise, the misconception goes, she would have left. It is well documented that the rate of violence in the relationship rises upon separation.<sup>174</sup> The battered immigrant women in this survey who were still living with their abusers reported violence-related obstacles to leaving at higher rates than other battered immigrants in the survey.<sup>175</sup> Understanding the dangers involved in leaving, many battered women choose to remain with their batterers as a survival strategy.

Since significant numbers of battered immigrants who seek help for domestic violence may not initially choose to leave their abusers or may try to leave but ultimately return, the courts, law enforcement, and battered women's advocates and attorneys need to be able to offer help, support, and legal intervention aimed at stopping or reducing violence to those battered immigrant women who do not choose to leave their abusers. If they cannot, these battered women and their children will be cut off from life-saving services. There is a broad range of assistance that battered women's advocates, domestic violence programs, and others can offer battered women who do not leave their abusers. These services include safety planning, counseling, education on the legal rights of battered immigrants, and services aimed at improving battered immigrant women's ability to obtain gainful employment.

From a public policy perspective, battered immigrant women must be able to obtain protection orders whether or not they leave their abusers. All state protection order statutes allow the issuance of protection orders whose only provision is to order the abuser to cease violent acts, threats and harassment.<sup>176</sup> These orders allow the victim to obtain a protection order without requiring that her order contain a "stay away" provision.<sup>177</sup> The order should also include economic relief which might include ordering the abuser to pay for repair or replacement of damaged property, to pay outstanding medical bills associated

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173. Tables 12 and 13 list some of the cultural barriers battered immigrants in the survey identified included: keeping the family together, not wanting to separate the children from their father, fear of being alone, and fear that no other man would want them. Many of these same impediments are shared by other battered women from a broad array of cultures.

174. See CAROLINE WOLF HARLOW, BUREAU OF JUST. STAT., FEMALE VICTIMS OF VIOLENT CRIME 4 (1991). (violence is committed against separated or divorced persons at a rate surpassed only by the rate of violence against single males); *id.* at 5 (women who were divorced or separated comprise only 10% of all women but report 75% of all domestic violence). See also Jacquelyn Campbell, *Prediction of Homicide Of and By Battered Women*, in ASSESSING DANGEROUSNESS: POTENTIAL FOR FURTHER VIOLENCE OF SEXUAL OFFENDERS, BATTERERS AND CHILD ABUSERS (J. Campbell & J. Miller eds., 1998).

175. See *supra* tbls. 12 & 13.

176. See Klein & Orloff, *supra* note 128, at 849-76, nn.238-302, 322, 371-92.

177. See *id.* at 914-18.

with the abuse, and to pay for health insurance for the victim and her children. Judges must be taught to issue these orders and police must be trained to enforce them.

Protection orders issued when the parties are separated must continue to be valid and enforceable even when the parties reunite and even if there is a stay away provision in the order. If there are further incidents of abuse that occur after the parties have resumed living together, courts should be as willing to enforce the no-abuse provisions of the order in the same manner and with the same sanctions for violation as in cases when the parties had continued to live separately. Battered immigrants should not be charged with or convicted of violating their own protection orders, lest the order become another tool for batterers to prolong their control over their victim.<sup>178</sup>

The Violence Against Women Act recognized that battered immigrant women need to be able to obtain protection and immigration benefits without having to leave their abusers. VAWA's immigration provisions do not require that a battered immigrant be separated from her abuser when she applies. The Illegal Immigration Reform and Immigrant Responsibility Act created special confidentiality provisions for VAWA immigration cases to enhance the victim's safety while the immigration case was pending by barring the Immigration and Naturalization Service from releasing any information contained in a battered immigrant's immigration file, by preventing the INS from relying solely on information furnished by the abuser in making adverse determinations, and by requiring that the INS communicate with the victim in a manner that will not endanger her safety.<sup>179</sup>

Battered immigrant women who qualify for relief under VAWA's immigration provisions very often remain living with their abuser until after their self-petition has been approved by INS. Battered immigrants who file self-petitions setting forth a *prima facie* case for relief under VAWA can receive a *prima facie* determination letter from INS.<sup>180</sup> This determination letter allows her to apply

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178. See *Henley v. Iowa District Court for Emmet County*, 533 N.W.2d 199 (Iowa 1995) (jailing and holding domestic violence victim in contempt of court for willfully aiding and abetting male companion in violating no-contact clause of her protective order). This case appears to be the lone example of this sort of treatment by the court of a domestic violence victim. Virtually all other jurisdictions have adopted an approach that recognizes that a court order is issued against the abuser and not the victim. The abuser is responsible for compliance with its terms. Addressing the common fact of reconciliation, several state statutes mandate that a couple's reconciliation subsequent to a protection does not preclude the continued validity and enforcement of the order. See Klein & Orloff, *supra* note 128, at 1113 n.1948. Courts in almost all states have taken the approach that protection orders should be enforced against the batterer even after a reunification and without punishing the victim for resuming a relationship. See *id.* at 1112-17; see also *Reynoldsburg v. Eichenberger*, No. CA-3492, 1990 WL 52467 (Ohio Ct. App. 1990); *Torres v. Lancellotti*, 607 A.2d 1375 (N.J. Super. Ct. Ch. Div. 1992).

179. See IIRIRA, *supra* note 87, §1367.

180. See Memorandum from Paul W. Virtue to INS officers and directors, *Supplemental Guidance on Battered Alien Self-petitioning Process and Related Issues* (May 6, 1997); Interim Rule: Prima Facie Review of Form I-360 When Filed by Self-Petitioning Battered Spouse/Child, 62 Fed. Reg. 219 (1997). See also Memorandum from Leslye E. Orloff to domestic violence advocates et al., *Preparing VAWA Self-Petitions That Meet the Prima Facie Evidence Test Required for Access to Public Benefits and Work Authorization* (Jan. 14, 1998).

for a limited number of public benefits.<sup>181</sup> However, she can only receive benefits if she provides proof that she has separated from her abuser.<sup>182</sup> Battered immigrant self-petitioners may, however, choose to remain with their abusers until their self-petition has been approved and they obtain work authorization.<sup>183</sup> Just as battered immigrant women can obtain immigration benefits without separating from their abusers, so too should they be able to receive orders of protection in the same manner and as easily as battered women who are ready to try to leave their abusers.

#### CONCLUSION

If battered immigrant women's efforts to seek informal and formal services to help them escape, avoid, resist, or reduce domestic violence in their lives are to succeed, many reforms are needed in order to make the system of legal, health care, and social services more responsive to the needs of battered immigrant women. Education programs that inform diverse communities that domestic violence is a crime and that there are legal and social service protections that can help battered women must be expanded and directed toward immigrant women who can serve as support persons for battered immigrants. Service providers, court personnel, and public benefits providers who encounter battered immigrant women in their work must be trained on domestic violence, battered immigrants' legal rights, and the provision of culturally sensitive services and legal relief. Battered immigrants must be able to secure the assistance of trained advocates and attorneys who can assist them in navigating the labyrinth of interconnected legal, social, and health care services needed to support battered immigrant women's efforts to end domestic violence in their lives. Finally, further law reforms are needed to remove legal impediments that undermine battered women's access to Violence Against Women Act immigration relief and to the full range of public benefits that make up the welfare safety net.

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181. See Leslye E. Orloff, *Access to Public Benefits for Battered Immigrant Women and Children*, J. OF POVERTY LAW AND POLICY CLEARINGHOUSE REV., Sept.-Oct. 1999 at 237, 239.

182. See 8 U.S.C. § 1641(c) (1994). Public benefits workers are encouraged to process applications for public benefits filed by battered immigrants and inform them that once they bring proof that they have separated from their abusers they will receive benefits. This approach assures battered immigrants that they will be able to rely on the public benefits safety net once they leave.

183. Cf. 61 Fed. Reg. 13,065 (1996) (explaining that immigrants need not live with an abuser when they file a petition). See also 8 C.F.R. § 274(a)(12)(c)(14) (2000) (allowing immigrants with deferred action status to request work authorization if they can show an economic need); APPLYING VAWA, *supra* note 167, at 279-80.

