

Use and Outcome of Civil Protection Orders by Battered Immigrant Women in the U.S

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Literature

- The literature shows that there is only one published article on battered immigrant women and protection orders that focuses mainly on the need for further research. [\[1\]](#)
- MacFarlane, J, Malecha, A., Gist, J., Watson K., Battern, E., Hall I, Smith S. (2002) article Intimate partner violence against immigrant women: Measuring the effectiveness of protection orders. American Journal of Family Law , 16 1(14), 244-252.

Immigration and Domestic Violence

- In many ways the problems battered immigrant women living in the U.S. face are similar to those of all battered women.
- However, immigration creates certain conditions that intensify the intimate partner violence

Battered Immigrant Women:

- Sustain more severe physical and emotional abuse (Raj, Silverman, McCleary, & Liu, 2005)
- Have lifetime prevalence of intimate partner violence (IPV) rates higher than for the general population (Hass, Ammar, Orloff, 2006)
- Have fewer resources (Hass, Dutton, Orloff, 2000; Orloff, Hass, Dutton, Ammar, 2003).
- Face immigration-related abuse (e.g. threats of deportation) in addition to as an additional form to psychological, physical and sexual abuse (Erez & Ammar, 2003; Raj, Silverman, McCleary, & Liu, 2005; Ammar & Orloff, 2007)
- Are caught between sexism and racism which makes their experience qualitatively different (Crenshaw, 1994).

We first present a descriptive view of four issues

- battered immigrant women's knowledge about protection orders
- their opinions about the effects of protection orders on the intimate partner violence
- the reasons leading them to file for protection orders
- the remedies they sought to have in protection orders

Next we examine the structural processes that contribute to immigrant women obtaining civil protection orders

- the level, and dynamics of violence they experience and the effect on their willingness to file for a protection order,
- the immigration status of the women and their willingness to file for protection order,
- their acculturation level within the US society and their willingness to file for protection.

The third part of the paper explores battered immigrant women's perception of the court system

- their experiences with protection orders,
- their experiences with the violations of protection orders,
- what will make protection orders more effective for battered immigrant women?

Theoretical framework

- It is important to focus on how institutions and systems can better serve diverse populations. (Lamphere 1992)
- All too often research on immigrants generally and battered immigrant women in particular blames domestic violence on the heritage or culture (Jiwani, 2005; Narayan, 1997).
- “the focus on culture quickly becomes one of implicitly or explicitly comparing a seemingly backward, traditional, and oppressive cultural system to the modern, progressive, and egalitarian culture of the U.S.” Jiwani notes (2005, p. 852)

Theoretical framework

- By emphasizing differences marginalization of underrepresented groups is exacerbated increasing
 - Stereotypes
 - Images of “other”
 - Focus on cultural divergence
 - (Said, 1979; Harris, 1980; Lamphere, 1992)
- In the context of domestic violence this blaming of culture relieves systems of their responsibility to change

Dutton, 1996 Found That RE: Intimate Partner Violence

- This approach is harmful in a multicultural society
- Systems have the responsibility to intervene to reduce or eliminate violence
- When they fail to act because they blame culture they exacerbate violence and they
 - Fail to discover how they can effectively serve diverse populations

IPV and Protection Orders Among Immigrant Victims

- 153 immigrant women who sought services from social service organization, shelters, or legal aid agencies were interviewed.
- Geographic regions of origin included: Africa, Europe, Central America, Asia (including India and Japan), North America (including Mexico), and South America.
- The women spoke 19 different first languages.
- The majority 52% (n=81) did not speak English fluently .

The Questionnaire Included

- Demographics
- **Acculturation** (adapted version of Stephenson Multi-group Acculturation Scale [SMAS])
- Measurements of prevalence, severity, types, risk and lethality of IPV
- Protection Order Information
- Symptoms of posttraumatic stress and depression (using an adapted form of the Posttraumatic Stress Disorder Checklist [PCL] & Center for Epidemiological Studies-Depression Scale [CES-D])
- Exposure to traumatic event (using ten items from the lifetime Trauma and Victimization History, Widom, Dutton, Czaja, and DuMont, 2006)
- Social support (using the Interpersonal Support Evaluation List [ISEL], Cohen et al, 1985).

Data Collection and Analysis

- The instrument was written originally in English with the help of a cross-cultural/multilingual committee
- All data was entered into SPSS (version 14.0) for analysis.
- The analysis used in this presentation includes
 - descriptive
 - frequencies,
 - cross tabulations,
 - narrative analysis

Demographics of the Sample

- The mean age of the women in the sample is 31 years with a range of 21-46
- 132 of the women (86.7%) had children (n=351)
- The mean number of children 2.36 (range 0 to 10 children)
- 75% of children (n=265) were born in the U.S.
- Only 9.2% (n=14) of the women's children lived with their fathers

Demographics

- The majority of the women (n=86, 56.5%) were not in traditional marriages/divorces.
- Total family income of the sample was relatively low (mean family size is 3):
 - Less than \$15,000 -- 66.7% (n=100)
 - Less than \$25,000 – 17.6% (n = 27)
 - More than \$25,000 – 8% (n=12)

Years lived in the United States

- Under 2 years – 13.7% (n=21)
- 3 to 5 years – 21.2% (n=34)
- 6 to 10 years – 31.5% (n=48)
- Over 10 years – 35.5% (n=51)
 - (Range 10 to 30 years)
- 87.3% lived in the U.S. at least 3 years

Immigration Status

- Undocumented immigrants -- 43.8% (n=67)
- Temporary visas 21.6% (n=33)
- Refugees/Asylees 1.9% (n=3)
- Citizens and lawful permanent residents 24.8% (n=38)
 - Citizens 7.9% (n=12)
 - Lawful permanent residents 23.5% (n=36)

Employment

- 60.1% (n=92) are employed full or part time
 - Full time one place 32.7% (n=50)
 - Full time multiple places 2% (n=3)
 - Part time one place 15% (n=23)
 - Part time multiple places 3.9% (n=6)
 - Self employed or business owner 1.3% (n=2)
- 31.4% (n=48) women were unemployed
- 8.5% (n=13) received social assistance
 - Refugees and benefits for USC children

Employment by Immigration Status – U.S. Citizen or LPR

- 54.2% (n=26) are employed full or part time
 - Full time one place 43.6% (n=21)
 - Full time multiple places 0.2% (n=1)
 - Part time one place 0.6 % (n=3)
 - Part time multiple places 0%
 - Self employed or business owner 0%
- 25% (n=12) women were unemployed
- 18.8% (n=9) received social assistance

Employment by Immigration Status – Temporary Legal Status

- 63.9.8% (n=23) are employed full or part time
 - Full time one place 56.5% (n=13)
 - Full time multiple places 0.4% (n=1)
 - Part time one place 26.0% (n=6)
 - Part time multiple places 0.9% (n=2)
 - Self employed or business owner 0.4% (n=1)
- 34.8% (n=8) women were unemployed
- 0.4% (n=1) refugee received social assistance
- Category includes 3 refugees/asylees

Employment by Immigration Status – Undocumented

- 56.7% (n=38) are employed full or part time
 - Full time one place 25.4% (n=17)
 - Full time multiple places 1.5% (n=1)
 - Part time one place 19.4% (n=13)
 - Part time multiple places 6% (n=4)
 - Self employed or business owner 1.5% (n=1)
- 37.3% (n=25) women were unemployed
- 6% (n=4) social assistance for their children

Most Experience Posttraumatic Symptoms

- Suddenly acted or felt as if abuse happening again (reliving it) (84%)
- Repeated, disturbing memories, thoughts, images of abuse (80%)
- Avoided activities/situations that remind them of abuse (70%)
- Experienced feeling distant or cut off from other people (69%)
- Had physical reactions (heart pounding, trouble breathing, sweating) when something reminded them of abuse. (67%)

Use of Protection Orders

- 81% (n=124) obtained protection orders
- 68% (n=104) obtained protection orders against their intimate partner
 - 10.6% (n=11) sought full contact CPO when living with abuser
 - 89.4% who sought CPOs were separated
 - 57.7% (n=60) had current protection orders
- 19% (n=29) never sought a protection order

Importance of Agency Role

- **75% (n= 115) of women surveyed approached the agency, which interviewed them for this study, seeking help for problems with a violent partner/spouse**
- **Before seeking help from the agency from which they were recruited, 60.9 percent of the sample had no prior knowledge of protection orders.**

Remedies

- The Majority sought stay away orders
 - **Permanent CPOs**
 - 70.6% (n=108) had stay away orders
 - 29.4% allowed contact
 - **Temporary Protection Orders**
 - 53.6% (n=82) had stay away orders
 - 47.4% allowed contact

Other Remedies Received In Full

- Partner must stay aPartners pay for medical costs,
- Pay for property damaged,
- Turn over children's passports, and
- Partner should attend drug and Alcohol treatment.

Top 5 problems expected from filing for a CPO

- Escalated violence 40% (n=46),40%)
- Affect immigration or lead to deportation 16% (n=19)
- Kill her/hurt her seriously 11.5% (n=13)
- Take children 5% (n=6)
- Nothing will change 5% (n=6)

Top 5 expected positive outcomes from filing for CPO

- Makes her and her children feel protected and safer 54% (n=73)
- Keep him physically 23% (n=32)
- Prevent Abuse 10% (n=14)
- Gives her peace of mind 5% (n=5)
- Prevent him from taking the children 2% (n=3)

Effect of Protection Orders

- 96% (n=71) said that the protection order was helpful.
- Many of the women who received civil protection orders (either temporary or full) found changes in their partners/husband's attitude.
 - 42.3% (n=44) with full orders
 - 45.3% (n=45) with temporary orders
- 56.2% (n=86) did NOT feel that obtaining the protection order has put them at a higher risk of future IPV .
- 32.7% (n=50) however perceived their risk of future intimate partner violence to be greater than those without a protection order

Systemic Barriers Influencing Women's Seeking Protection Orders: Immigration

- Undocumented women were less likely to file for protection orders (38%)
 - than women who are citizens (66.7%)
 - legal permanent residents (83.3%)
 - temporary immigration status (75.8%)
- However, among undocumented women more filed for CPOs than did not
 - 59.7% (n=40) filed for CPOs
 - 40.3% (n=27) did not file

Systemic/Structural Issues: Relationship Type

- Marriage seemed to have an effect on obtaining protection orders.
- 25.2% (n=26) of women separated from intimate partners to whom they were not married filed for protection orders.
- The second largest number of protection orders, were filed by women who were legally married -- 15.5% (n= 16)

Type of Violence

- The type of intimate partner violence (physical, psychological or sexual) does not contribute to the battered immigrant women's willingness to file for protection orders.
- The severity of the violence, however, significantly increased the willingness of women to file for protection orders.
 - broken bones (Chi square, .043)
 - threats of killing (Chi square, .002)
 - violations of protection orders (Chi square, .007)

Familiarity with U.S. culture and systems

- A battered immigrant woman's integration in the U.S. culture contributes to her willingness to file for protection orders.
- More battered immigrant women who answered yes to being more comfortable in U.S. culture filed for protection orders

Experiences of the Battered Immigrant Women with the Protection Orders and the Justice System

- The majority of the women who answered this question 44.7% (n=34) found the experience of filing for protection order easier than they expected.
- 35.6% (n=26) felt that the most beneficial aspects were
 - Protection from their husband
 - Obtaining custody
 - Obtaining financial support
- Almost 24% percent of the women (n=17) found it difficult.
- Almost 6% had no expectations (n=7)
- Another 6.3% were unsure or did not know (n=7)

Reasons for finding CPO process easy

- Faster than I expected
- Did not expect to get so much help
- I expected it to be very hard but it turned out to be easy
- I had a good experience with the system
- I thought this would be in front of the entire court—but they took me to a separate room and I did not have to see him
- It was easier because woman's place helped me
- It was very fast and very easy... the Judge signed immediately.

Reasons for finding the CPO process difficult

- Too much paper work
- The court did not give me enough information about the husband's finances
- Expected stronger sanctions against him
- Expected him to be arrested
- It was overwhelming process
- It took longer because I did not read English
- I expected more remedies
- It was nerve wracking
- It is difficult to appear in court and in front of a judge.

Helpfulness to Women

- 42% (n=31) found the advocacy they received to be very helpful. It was an important part of the process that
 - Someone spoke their language
 - Someone understood their concerns
 - The advocates were helpful, compassionate and cooperative
- 6% (n=5) noted that the judge, the court personnel and the police were very helpful
- 15% (n=11) found everything about the process helpful and fast

Improvements to the process

- 51.6% (n=31) said that the process of filing for protection orders was good and they could not suggest improvements to it
- 49.4% (n=29) suggested improvements
 - Follow-up after the protection order was issued
 - Have information in native language (Spanish, Russian)
 - Have two different interpreters one for her and one for him
 - Include more remedies in the protection order especially custody and financial support
 - Educate the court staff to deal with various cultures
 - Not to tell my story to so many people.

Safety vs. Vulnerability

- The majority of women 56.2% (n=86) said that the protection order made them feel safer
- 32.7% (n=50) said it made them feel more vulnerable
 - The reason for the increased vulnerability for almost all those who answered the question was fear of retaliation from the abusive partner.

Violations of Protection Orders

- 66% (n=101) of the women who had filed for protection order had a partner violate the order
- In the past 6 months these 101 women reported the following instances of violations
 - Only physical violence was property damage 3.9% (n=6)
 - 88.11% Had Contact/violated stay away/returned to her home
 - 68.3% Immigration related violations
 - 35.6% Destroyed, refused to turn over property
 - 24.8% Violated protections related to children
 - 7.2% Refused to pay court ordered support

Whom did women tell about the violations

- 55.6% (n=46) told a female friend who spoke their native tongue most frequently (n=46)
- 42.6% (n=43) told an advocate who speaks their native tongue of equal frequency they told an attorney who spoke their native tongue
- 29.7% (n=30) told a police officer who spoke their native tongue
- 12.9% (n=13) told a judge
- 9.9% (n=10) told court staff

Response to telling someone about the violation

- Almost fifty percent of the battered immigrant women who told some one about their partners PO violation felt better and relieved.
- To lesser extent a few women felt embarrassed or ashamed .07% (n=7).
- Most of the women received a helpful response when they told someone about their partners CPO violation.
 - 48% (n=74) received a helpful response
 - 9.8% (n=15) did not

Conclusions and Policy Recommendations

- Advocates make a difference
 - Victims learned about CPO
 - Assessed lethality
 - High risk of lethality more victims sought orders
 - Process with this help was easier than women expected
- Protection orders improved victims feelings of safety
 - Kept him away from her

Language access was very important

- Factor in how they felt about proces
- Turned to language accessible persons about violations
 - Advocates
 - Police
- All courts, police, health care and social service providers whose work involves victims of violence against women must have provide culturally appropriate language access
- Interpreters used must be sensitive and have received training on domestic violence

Highlights Need for Training of Police, Courts, Advocates, and Attorneys

- To reach all victims in need in light of changing demographics
- More work needs to be done to help undocumented immigrant victims seek protection orders at higher rates

Educate all service providers and systems personnel that

- CPOs open to all immigrants including undocumented immigrant
- About immigration relief available to immigrant victims
- Very important in light of new crime victim visas U-visa options for immigrant victims
- Counter anti-immigrant policies
 - Police acting as immigration officials

Outreach to immigrant women

- Increase the venues informing battered immigrant women about protection orders
- Need pamphlets in a variety of languages, public radio and television announcements that are language accessible
- systematic education of the youngsters in schools about violence against women and its remedies
- Discussion of domestic violence within immigrant communities.