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OFFERING A HELPING HAND: LEGAL PROTECTIONS FOR BATTERED IMMIGRANT WOMEN: A HISTORY OF LEGISLATIVE RESPONSES

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A HISTORY OF LEGISLATIVE RESPONSES*

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* While this Article will primarily discuss protections for battered immigrants, some of the legislative reforms that were included in the Violence Against Women Act of 2000 ("VAWA 2000") for the first time also provide protection and immigration relief for immigrant victims of sexual assault, immigrant victims of trafficking, and other immigrant crime victims.

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** The authors have been involved in legislative efforts to improve U.S. immigration and welfare laws protecting battered immigrant women and their children. Leslye E. Orloff, Director of the Immigrant Women Program and Senior Staff Attorney at the NOW Legal Defense and Education Fund, has since 1989 provided technical assistance to members of Congress on each of the pieces of legislation discussed in this article. Janice v. Kaguyutan, Staff Attorney for the Immigrant Women Program of the NOW Legal Defense and Education Fund provided technical assistance to Congress on VAWA 2000. The Immigrant Women Program is the Washington representative of the National Network on Behalf of Battered Immigrant Women, a network of service providers, lawyers, and advocates, and a national organization concerned with furthering legal protections for abused immigrants. The authors, working with the National Network, have also been involved in monitoring implementation of each of the laws discussed in this article. The National Network on Behalf of Battered Immigrant Women is co-chaired by the Immigrant Women Program of the NOW Legal Defense and Education Fund, The Family Violence Prevention Fund, and the National Immigration Project of the National Lawyers Guild. For further information about legal protections for immigrant victims of domestic violence or sexual assault under the laws discussed in this paper, to join the National Network on Behalf of Battered Immigrant Women, or for technical assistance on the legal rights of immigrant women and children in immigration, public benefits, social services, domestic violence or family law matters, contact the Immigrant Women Program of the NOW Legal Defense and Education Fund at (202) 326-0040 or iwp@nowldef.org.

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I. INTRODUCTION

Violence against women is not limited by borders, culture, class, education, socio-economic level or immigration status. A recent survey co-sponsored by the National Institute of Justice and the Centers for Disease Control and Prevention found that approximately 4.8 million intimate partner rapes and physical assaults are perpetrated against women annually.[1] United States Surgeon Generals have warned repeatedly that family violence poses the single largest health threat to adult women[2] and is also detrimental to their children.

For women and their children who have immigrated to the United States, the dangers faced in abusive relationships are often more acute.[3] Historically, these dangers have been aggravated by immigration laws. Immigrant women not only face pressures of cultural assimilation but pressures of maintaining cultural traditions as well. They face language barriers, economic insecurity, and discrimination due to gender, race or ethnicity. Additionally, the problems of domestic violence are "terribly exacerbated in marriages where one spouse is not a citizen and the non-citizen's legal status

1. PATRICIA TJADEN & NANCY THOENNES, EXTENT, NATURE AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE: FINDINGS FROM THE NATIONAL VIOLENCE AGAINST WOMEN SURVEY, iii (Nat'l Inst. of Just. & Ctrs. for Disease Control and Prevention, NCJ 181867, 2000).

2. S. REP. NO. 138-138, at 41-42 (1993).

3. LESLYE E. ORLOFF & NANCY KELLY, A Look at the Violence Against Women Act & Gender-Related Political Asylum, Vol. 1, No. 4 VIOLENCE AGAINST WOMEN 380 (1995).

Despite the progress that had been made to protect the rights of battered immigrants by 1999 and 2000, it was clear that immigration law as it existed at the time offered an imperfect and often ineffective solution for many immigrant victims of domestic violence. Numerous problems had been identified by advocates across the country, many of whom were members of the National Network on Behalf of Battered Immigrant Women. The expiration of section 245(i) denying many battered immigrants the ability to obtain lawful permanent residency in the United States, the role extreme hardship played in cutting many needy victims off from VAWA self-petitioning protection, the uncertainty about how public charge analyses would be applied in cases of battered immigrants — taken together with other problems and concerns about the effectiveness of the immigration protections offered to immigrant victims of domestic violence — gave rise to the need for further improvements in the legislative protections offered to battered immigrants.[224]

V. VAWA 2000'S LEGISLATIVE SOLUTIONS

Although the original VAWA 1994 helped significant numbers of battered immigrants, in many respects, the legislative protections for battered immigrants remained incomplete. Immigration and welfare reform laws passed subsequent to VAWA 1994 effectively barred access to VAWA protection for many immigrants, and implementation problems continued to plague the VAWA process.[225] As a result, many immigrant domestic violence victims remained trapped in these violent relationships despite the significant gains in VAWA.[226] Further, the original VAWA 1994 did not offer any protection to several categories of battered immigrants: those abused by citizen and lawful permanent resident boyfriends; immigrant spouses and children of abusive non-immigrant visa holders or diplomats;[227] immigrant spouses, children and intimate partners abused by undocumented abusers; and non-citizen spouses and children of abusive United States government employees and military

224. *See* Dutton et al., *supra* note 9, at 304 (concluding that further law reforms are necessary to provide full VAWA relief and benefits).

225. *See* Anderson, *supra* note 201, at 1405 (listing the IMFA as authorizing the INS to increase the scrutiny of the immigrant nuptial ties).

226. *See id.* (pointing out that what Congress had intended as a tool to increase scrutiny "inadvertently increased abuser's coercive power over conditional resident spouses").

227. *See, e.g.*, 8 U.S.C. § 1101(a)(15)(D)-(E),(H)-(J), (L) (1997) (providing visas to workers); 8 U.S.C. § 1101(a)(15)(A) (providing visas to diplomats); 8 U.S.C. § 1101(a)(15)(F) (providing visas to students).

members living abroad. In response, the battered immigrant advocacy community mounted a campaign to seek legislative responses to the problems battered immigrants still faced.

Through the bipartisan efforts of sympathetic members of Congress working collaboratively with the advocacy community, Congress passed and President Clinton signed into law the Battered Immigrant Women Protection Act of 2000 as a part of the VAWA 2000 on October 28, 2000.[228] The immigration provisions contained in VAWA 2000 were a bipartisan compromise[229] that included many, but not all, of the reforms advocates sought. VAWA 2000's immigration provisions were designed to restore and expand access to a variety of legal protections for battered immigrants by addressing residual immigration law obstacles standing in the path of battered immigrants seeking to free themselves and their children from abusive relationships.[230]

Congress clarified its intent with regard to these expanded battered immigrant protections in the following way:

> [T]he Battered Immigrant Women Protection Act of 2000 . . . continues the work of the Violence Against Women Act of 1994 ("VAWA") in removing obstacles inadvertently interposed by our immigration laws that may hinder or prevent battered immigrants from fleeing domestic violence safely and prosecuting their abusers by allowing an abusive citizen or lawful permanent resident spouse to blackmail the abused spouse through threats related to the abused spouse's immigration status.[231]
>
> VAWA 2000 addresses the residual immigration law obstacles standing in the path of battered immigrant spouses and children seeking to free themselves from abusive relationships that either had not come to the attention of the drafters of VAWA 1994 or have arisen since as a result of 1996 changes to immigration law.[232]

The next section provides an overview highlighting some of the many new provisions included in VAWA 2000 that grant improved

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228. VAWA 2000 § 1001.

229. *See* Ann Moline, *Bipartisan Women Made Anti-Violence Act Happen*, *available at* http://www.womensenews.com/article.cfm/dyn/aid/376/context/archive (Dec. 18, 2000) (discussing how Senator Kennedy and two women staffers, one Democrat, Esther Olavarria, and one Republican, Lee Liberman Otis, collaborated to pass legislation to help battered immigrant women).

230. 146 CONG. REC. S10,195 (daily ed. Oct. 11, 2000) (Violence Against Women Act of 2000 Section-by-Section Summary).

231. *Id.* at S10,192 (Joint Managers' Statement).

232. *Id.* at S10,195 (Violence Against Women Act of 2000 Section-by-Section Summary).

access to legal protection for battered immigrants.[233]

A. *Improved and Expanded Access to VAWA Immigration Protection*

The immigration protections included in VAWA 2000 were generally designed to expand access to VAWA and to remove obstacles battered immigrants faced when leaving or attempting to leave an abusive relationship.[234] The VAWA 2000 amendments remove stringent evidentiary requirements and broadened the categories of immigrants who may be eligible for VAWA protection.[235]

1. *Easing VAWA Requirements*

As part of their VAWA case, battered immigrants were required to provide extensive documentation that they would suffer extreme hardship if deported back to their home country.[236] This difficult evidentiary standard prevented many battered immigrants from receiving approvals of their VAWA cases, particularly when self-petitioners were not represented by counsel. VAWA 2000 removed this unnecessary requirement, thereby making it easier for battered immigrants to win approvals of their VAWA self-petitions.[237] Proving extreme hardship was the most difficult part of the VAWA self-petition and often required the assistance of an attorney. Deleting this requirement will make collaborations between battered women's advocates and attorneys easier and will allow advocates to collect more of the evidence in VAWA cases. Collaborating with battered women's advocates, attorneys assisting battered immigrants in VAWA self-petitioning cases can help many more battered immigrants than they could if they were handling each case without the assistance of domestic violence experts.

2. *Expanded Categories*

VAWA 2000 extends VAWA 1994 immigration protections to many

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233. Charts are appended to this Article providing a more detailed analysis of the new protections for battered immigrants and immigrant crime victims that were included in VAWA 2000.

234. 146 CONG. REC. S10,195.

235. *See* Anderson, *supra* note 201, at 1418 (discussing the high evidentiary requirement abused women must meet).

236. *See* discussion *supra* Part IV.C.4.

237. VAWA 2000 § 1503 (codified at 8 U.S.C. §§ 1101, 1154, 1430); *see also* 146 CONG. REC. S10,195 (explaining that section 1503 "allows abused spouses and children who have already demonstrated to the INS that they have been the victims of battery or extreme cruelty by their spouse or parent to file their own petition for a lawful permanent resident visa without having to show they will suffer 'extreme hardship' if forced to leave the U.S.").

battered immigrants and children of battered immigrants who previously did not qualify for VAWA, but were nonetheless subjected to battery or extreme cruelty by their United States citizen or lawful permanent resident spouse or parent. These expanded categories of persons include:

- battered spouses who unwittingly marry bigamists;[238]
- battered children and children included in their abused parent's VAWA case who turned twenty-one years of age before they could be granted lawful permanent residence;[239]
- children of battered immigrants granted VAWA cancellation of removal or VAWA suspension of deportation who could receive humanitarian parole;[240]
- battered spouses and children who file VAWA self-petitions within two years of divorce, loss of citizenship, or permanent resident status, and in the case of an abusive citizen spouse, within two years of the spouse's death;[241]
- battered immigrants living abroad who are abused by their citizen or lawful permanent resident spouses or parents who are United States government employees or who are members of the United States uniformed services (including military members);[242]
- battered immigrants currently residing abroad who have been subjected to one or more incidents of abuse that occurred in the United States perpetrated by their citizen or permanent resident spouse or parent;[243] and
- spouses and children of Cuban, Haitian and Nicaraguan abusers by allowing abused spouses and children to self-petition who are granted access to protections of Nicaraguan Adjustment and Central American Relief Act of 1997 ("NACARA") and Haitian Refugee Immigration Fairness Act of 1998 ("HRIFA").[244]

VAWA 1994 included a requirement that battered immigrants applying for VAWA self-petitions were originally required to provide evidence to the INS that their abusive citizen or lawful permanent

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238. VAWA 2000 § 1503(c)(1) (codified at 8 U.S.C. § 1154).
239. *Id.* § 1503(d) (codified at 8 U.S.C. § 1154(a)(1)(D)).
240. *Id.* § 1504 (codified at 8 U.S.C. § 1229b(b)(4)).
241. *Id.* § 1503(b)(1)(A) (codified at 8 U.S.C. § 1154(a)(1)(A)(iii)(II)(aa)(CC))
242. *Id.* (codified at 8 U.S.C. § 1154(a)(1)(A)(v)).
243. *Id.* (codified at 8 U.S.C. § 1154(a)(1)(A)(iii)(II)(dd)).
244. *Id.* §§ 1509-1511 (codified at 8 U.S.C § 1255).

resident husband had never been married before or had obtained a divorce from each of his previous wives. This requirement posed problems for two groups of battered immigrant victims of domestic violence who otherwise qualified as VAWA self-petitioners. First, it cut off VAWA protection for battered immigrants who had unknowingly married bigamists. These victims were often immigrant women who went through a marriage ceremony either in the United States or in their home country and believed they had legally married a United States citizen or lawful permanent resident who had represented that he was divorced or had never been previously married.[245] The second group of battered immigrants harmed by this requirement were immigrant victims of domestic violence who were not married to bigamists but who could not safely access the information they needed to prove their abusive citizen or lawful permanent resident husband's prior divorces.

Congress amended VAWA's self-petitioning requirements to allow unknowing spouses of bigamists to self-petition, understanding that making this change would also help battered immigrants who were not married to bigamists but who could not obtain the information they needed to prove their husband's prior divorces. If spouses of bigamists could self-petition, it was understood that it would no longer be necessary to require that all self-petitioners prove each of their spouse's prior divorces. Congress recognized that both of these groups of self-petitioners needed improvements in the self-petitioning statute to facilitate their safe access to VAWA self-petitioning. The Congressional Record stated the following:

> We would anticipate that evidence of such a battered immigrant's legal marriage to the abuser through a marriage certificate or marriage license would ordinarily suffice as proof that the immigrant is eligible to petition for classification as a spouse without the submission of divorce decrees from each of the abusive citizen's or lawful permanent resident's former marriages. For an abused spouse to obtain sufficient detailed information about the date and the place of each of the abuser's former marriages and the date and place of each divorce, as INS currently requires, can be a daunting, difficult and dangerous task, as this information is under the control of the abuser and the abuser's family members. Section 1503 should relieve the battered immigrant of that burden

245. *See* 146 CONG. REC. S10,192 (daily ed. Oct. 11, 2000) (Violence Against Women Act of 2000 Section-by-Section Summary) (stating that VAWA 2000 amended the VAWA 1994 requirements and added that a victim of a batterer can file a petition as long as she believes she is the spouse of a citizen or lawful permanent resident).

in the ordinary case.[246]

Thus, with the VAWA 2000 changes in the law, battered immigrants should no longer be required to submit to the INS evidence of their abuser's prior marriages and divorces. Proof in the form of a marriage certificate, or marriage license, or other evidence about the marriage should be sufficient to prove a valid marriage. This same evidence should also be sufficient to prove, in the case of a bigamist citizen or resident spouse, that the immigrant spouse entered the marriage without knowledge of the bigamy.

As originally drafted, VAWA 1994 allowed battered immigrant self-petitioners to include any of their undocumented children in their VAWA self-petition as derivative beneficiaries. Under this scheme, the children of battered immigrants would be able to attain lawful permanent residency at the same time as their mother, based on the mother's approved VAWA self-petition. This system paralleled the relief available in all family-based immigration cases. One of the problems that arose as VAWA 1994 was implemented was that, many teenage children of VAWA self-petitioners married to lawful permanent residents aged out. The process of obtaining permanent residence took several years and teenagers reached their twenty-first birthday before they could obtain lawful permanent residency under VAWA. Under a family-based petition in a non-abusive relationship, the citizen or lawful permanent resident parent would be required to file a new petition for them, and the children would eventually attain legal permanent residency. However, in abusive relationships, the structure of the law that required a new filing if a child turned twenty-one allowed abusers to retain a weapon of power and control they could continue to use against the battered immigrant spouse. To remedy this problem, VAWA 2000:

> allows abused children or children of abused spouses whose petitions were filed when they were minors to maintain their petitions after they attain age 21, as their citizen or lawful permanent resident parent would be entitled to do on their behalf had the original petition been filed during the child's minority, treating the petition as filed on the date of the filing of the original petition for purposes of determining its priority date.[247]

Similarly, VAWA 2000 expanded protection for children of battered immigrant parents and parents of battered immigrant children who are granted VAWA cancellation of removal and

246. *Id.*

247. *Id.* at S10,195 (discussing VAWA 2000 § 1503).

suspension of deportation.[248] Under prior law, battered immigrants who received VAWA protection in deportation or removal proceedings could not receive any immigration relief in the same proceeding for their undocumented immigrant children or parents. Some battered immigrants were able to file self-petitions and have their children receive protection through the self-petition, but not all battered immigrants could exercise this option, as the category of persons eligible for VAWA cancellation or suspension could often include persons who did not qualify to self-petition. Thus, Congress included in VAWA 2000 a provision designed to provide protection to the children of battered immigrant cancellation and suspension grantees through grants of humanitarian parole. The same relief was offered to non-abusive parents of immigrant child abuse victims although in most cases, these protective parents would independently qualify for VAWA cancellation. Those living outside of the United States could avail themselves of this option particularly if it could help keep the abused child out of foster care. Congress expressed the following on this issue:

> [W]hile VAWA self-petitioners can include their children in their applications, VAWA cancellations of removal applicants cannot. Because there is a backlog for applications for minor children of lawful permanent residents, the grant of permanent residency to the applicant parent and the theoretical available of derivative status to the child at that time does not solve this problem. Although in the ordinary cancellation case, the INS would not seek to deport such child, an abusive spouse may try to bring about such result in order to exert power and control over the abused spouse. Section 1504 directs the Attorney General to parole such children, thereby enabling them to remain with the victim out of the abuser's control. This derivative should be understood to include a battered immigrant's children whether or not they currently reside in the U.S., and therefore to include the use of his or her parole power to admit them if necessary.[249]

As a result VAWA 2000 "[d]irects the Attorney General to parole children of battered immigrants granted cancellation until their adjustment of status application has been acted on, provided the battered immigrant exercises due diligence in filing such application."[250]

In order to be eligible for VAWA, the battered immigrant must be

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248. VAWA 2000 § 1504 (codified at 8 U.S.C. § 1229b(b)(4)).

249. 146 CONG. REC. S10,192 (daily ed. Oct. 11, 2000) (Joint Managers' Statement).

250. *Id.* at S10,195.

or have been married to the abuser or be the child of the abuser, and the abuser must be a citizen or lawful permanent resident. VAWA 2000 now allows a battered spouse whose citizen spouse died, whose spouse lost citizenship, whose spouse lost lawful permanent residency, or from whom the battered spouse was divorced to file a VAWA case. Applicants must file the self-petition within two years of divorce, the abusive citizen husband's death, or the abusive spouse's loss of citizenship or residency status.[251] If a battered immigrant is filing a VAWA self-petition within two years of divorce, the battered immigrant must demonstrate a connection between the legal termination of the marriage and the battering or extreme cruelty.[252] This connection can be demonstrated in a variety of ways, including the following: obtaining a protection order, including in the divorce complaint or answer information about the domestic violence, or providing evidence that domestic violence in the relationship predated the divorce or continued after the divorce. In addition, battered immigrants with approved VAWA self-petitions who have not yet attained lawful permanent residency status, can remarry.[253] Their remarriage will no longer prevent them from obtaining legal permanent residency based on their approved VAWA self-petition.[254]

Another category of battered immigrants who can now seek VAWA immigration protections are the abused spouses and children of members of the United States military stationed abroad.[255] Abused spouses of other United States government officials stationed abroad who work for the United States Department of State or any other United States government agency may also file VAWA self-petitions under the VAWA 2000 amendments.[256] Similarly, battered immigrants who were abused in the United States but who now find

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251. VAWA 2000 § 1507 (codified at 8 U.S.C. §§ 1154(a)(1)(A), 1154(a)(1)(B)). Additionally, if the divorce, death, or loss of citizenship or residency status occurs after the VAWA self-petition was filed, § 1507 of VAWA 2000 "clarifies that negative changes in the immigration status of abuser or divorce after abused spouse and child file petition under VAWA have no effect on status of abused spouse or child." 146 CONG. REC. S10,196 (daily ed. Oct. 11, 2000) (Violence Against Women Act of 2000 Section-by-Section Summary).

252. VAWA 2000 § 1503 (b)(1)(A) (codified at 8 U.S.C. §§ 1154(a)(1)(A)(iii)(II)(CC)(ccc), 1154(a)(1)(B)(ii)(II)(CC)(bbb)).

253. *Id.* § 1507(b) (codified at 8 U.S.C. § 1154(h)).

254. 146 CONG. REC. S10,196 (Violence Against Women Act of 2000 Section-by-Section Summary) (clarifying "that remarriage has no effect on pending VAWA immigration petition").

255. VAWA 2000 § 1503(b)(3) (codified at 8 U.S.C. §§ 1154(a)(1)(A)(v)(I)(bb), 1154(a)(1)(B)(iv)(I)(bb).

256. VAWA 2000 § 1503(b)(3) (codified at 8 U.S.C. §§ 1154(a)(1)(A)(v)(I)(aa), 1154(a)(1)(B)(iv)(I)(aa). *See also* 146 CONG. REC. S10,195 (daily ed. Oct. 11, 2000) (Violence Against Women Act of 2000 Section-by-Section Summary).

themselves living abroad can file self-petitions. These provisions modify VAWA 1994's requirement that in order to file a VAWA self-petition the petitioner had to be residing in the United States at the time of filing. This requirement cut off from VAWA's immigration protections many spouses and children of United States government employees and military members because they were living abroad. Additionally, the provision requiring United States residence to file a VAWA self-petition strengthened abuser's power and control. If the citizen or lawful permanent resident abuser could convince or force his abused spouse to travel outside of the United States and could abandon her there, the immigrant spouse would be precluded from filing for VAWA immigration relief, despite the fact that she suffered multiple incidents of criminal domestic violence in the United States. VAWA 2000 explicitly authorized battered immigrant spouses of United States government employees and members of the United States military stationed abroad and battered immigrants who were abused in the United States to file VAWA self-petitions while residing abroad without regard to whether any of the abuse actually occurred in the United States.[257]

Finally, the Nicaraguan and Central American Relief Act of 1997[258] ("NACARA") and the Haitian Refugee Immigration Fairness Act of 1998[259] ("HRIFA") granted access to legal immigration status for Haitians, Cubans, Nicaraguans, and El Salvadorans among others who met certain qualifications. These laws were structured, as are most immigration laws, to permit a spouse or parent who qualifies for relief to file a petition and to include any spouse or children who also need to attain legal immigration status in their petition. Ordinarily, one family member would file and include their spouses and children in that one application. However, here—as with other forms of

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257. The Committee did not draw a distinction between those abused in the U.S. or outside the U.S.

> Section 1503 also makes VAWA relief available to abused spouses and children living abroad of citizens and lawful permanent residents who are members of the uniformed services or government employees living abroad, as well as to abused spouses and children living abroad who were abused by a citizen or lawful permanent resident spouse or parent in the United States. We would expect that INS will take advantage of the expertise the Vermont Service Center has developing in deciding self-petitions and assign it responsibility for adjudicating these petitions even though they may be filed at U.S. embassies abroad

146 CONG. REC. S10,192 (Daily ed. Oct. 11, 2000) (Joint Managers' Statement).

258. Pub. L. No. 105-100, Title II., 111 Stat. 2193 (codified as amended in scattered sections of 8 U.S.C.)

259. Pub.L. 105-277, Div. A, Title IX, 112 Stat. 2681-538 (codified as amended at 8 U.S.C. §§ 1255, 1377).

family based visa petitions— abusive spouses and parents would not choose to include their spouse and children in their applications for relief under NACARA and HRIFA. These abused spouses and children remained undocumented without any recourse. Further, some of these laws had a requirement that, in order for the derivative spouse to benefit, the applicant and the spouse had to continue residing together. The structure of these immigration laws fostered abuse.

To remedy this problem, VAWA 2000 allows dependent spouses and children of many NACARA and HRIFA qualified immigrants to self-petition for NACARA or HRIFA relief. To receive the new relief under NACARA, battered spouses and children must be related to the abuser at the time the abuser was granted suspension or cancellation; filed for suspension or cancellation; registered for benefits under *American Baptist Churches v. Thornburgh*;[260] applied for TPS or asylum.[261] Current residence with the abusive spouse is not required. The HRIFA amendments allow battered immigrant spouses and children of HRIFA applicants to adjust their status.[262]

B. Improved Access to Public Benefits

Under previous immigration laws, battered immigrants who used public benefits as a means to survive economically during or following their escape from an abusive relationship could be denied lawful permanent residence due to public charge concerns. Battered immigrant women who relied on the welfare safety net were penalized and were vulnerable to deportation.[263] VAWA 2000 recognized the desperate need for battered immigrants to survive economically and clarified that a VAWA self-petitioner's use of public benefits specifically made available under the IIRAIRA did not make

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260. 760 F. Supp. 796 (N.D. Cal. 1991).

261. VAWA 2000 § 1510. *See also* 146 CONG. REC. S10,196 (daily ed. Oct. 11, 2000) (Violence Against Women Act of 2000 Section-by-Section Summary) ("Provides access to special immigration benefits under NACARA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.").

262. VAWA 2000 § 1511. *See also* 146 CONG. REC. S10,196 (daily ed. Oct. 11, 2000) (Violence Against Women Act of 2000 Section-by-Section Summary) ("Provides access to special immigration benefits under HRIFA to battered spouses and children similarly to the way section 509 does with respect to the Cuban Adjustment Act.").

263. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (codified as amended at 8 U.S.C. § 1641(c)), restored the benefits that were denied to battered spouses and children as a result of the draconian measures included under section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat., 2105.