

Hardly a Leg to Stand On:

EXECUTIVE SUMMARY

Domestic Violence Victim Needs	Institution/Services	Issues for Immigrants
SAFETY	Emergency shelter system	<ul style="list-style-type: none"> Shelters have limited resources to fund extended stays necessitated by lack of work permits/access to public assistance Lack of culturally appropriate programming
	Police, criminal and civil courts <ul style="list-style-type: none"> Protection Order of Protection Punishment of abuser 	<ul style="list-style-type: none"> Fear of legal system Lack of standing and equal protection Lack of translators
ECONOMICALLY MAINTAIN INDEPENDENT HOUSEHOLD AND FAMILY	Housing <ul style="list-style-type: none"> Emergency/Transitional Housing Public Housing Benefits <ul style="list-style-type: none"> Subsidies Public Housing Public Assistance stipends <ul style="list-style-type: none"> TANF Disability, etc. Community/non-profit agencies 	<ul style="list-style-type: none"> Depending on status, no or limited rights to <ul style="list-style-type: none"> Independently set up legal residence Social Welfare benefits and services Private agencies have limited resources to provide permanent or transitional housing
	Employment <ul style="list-style-type: none"> Access to legal employment Employment Training Services Child care subsidies Transportation subsidies 	<ul style="list-style-type: none"> Permission to legally work in US Eligibility for public services and subsidies Few private pro-bono employment services Lack of language skills, work history
	Family Court <ul style="list-style-type: none"> Child support, maintenance, child custody 	<ul style="list-style-type: none"> Due to status, not necessarily equal protection and standing in family court Due to more than one jurisdiction (i.e., multiple countries), lack of authority by family courts to enforce decisions
BECOME PSYCHOLOGICALLY EMPOWERED	Mental Health Programs <ul style="list-style-type: none"> Counseling Support groups 	<ul style="list-style-type: none"> Depending on status, lack of right to subsidized health services Few pro-bono private clinical services Lack of culturally appropriate services, services not in native language Clients fear stigma

A collaborative research initiative between Apna Ghar and Loyola University Chicago, Center for Urban Research and Learning, funded by the Sara Lee Foundation.

The Rights of Immigrant Victims of Domestic Violence¹

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Immigrant women who are victims of domestic violence residing in the United States are in a “perfect storm” – a convergence of detrimental factors. Those who are not married to citizens or resident aliens have little ability to find help due to their lack of citizen – or citizen like – rights. Those who do have rights are often blocked from exercising them because of **lack of knowledge, manipulation** by sponsor/abusers, **unresponsive governmental systems**, and **fear of consequences** of interacting with various US government institutions.

This summary report ² looks at the issues related to immigration and social welfare policies that **define the rights of non-citizen battered immigrant women** as they seek assistance in the United States. While it focuses on **immigrants from South Asian countries** who are not citizens of the United States (the focus for the research project of which this report is a component) many of its findings are applicable to any abused immigrant who is not a citizen, who is seeking services and assistance in the United States.

¹ This report is based on the findings from a collaborative research project between Apna Ghar, a South Asian domestic violence agency, and Loyola University Chicago Center for Urban Research and Learning. This report focuses on the current status of policies and laws impacting immigrant women seeking to establish independent households in the United States and the issues these women encountered as they negotiate the legal system and/or seek to access social services. It is primarily based on information gathered from 16 open-ended interviews with attorneys and legal advocates working with immigrant women who are victims of domestic violence; a review of relevant policies and laws; and a review of the literature. In addition, it is informed by the research conducted in other sections of the larger study: a case review of a random sample of 82 Apna Ghar clients; phone interviews with 30 organizations in the United States and Canada serving South Asian women who are victims of domestic violence, and a review of national and international literature on the incidence and prevalence of domestic violence among South Asians.

² The full report can be accessed at www.luc.edu/curl/announcements/apnaghar/index.shtml

A Case In Point: Chicago

A husband planned a trip to a South Asian country for his wife and children. The husband, a citizen, then abandoned his wife and returned with the children to the US. The husband had never petitioned for his wife to have permanent resident status and she had no ability to easily return to the US.



What We Found about Immigrant Women's Legal Status and Domestic Violence

Immigration status is key.

- Nationally, the substantial majority of the South Asian women seeking help about domestic violence are immigrants.
- While most South Asians have entered the country legally, many do not have permanent resident status.
- Immigrant victims who are not married to citizens nor permanent residents (nor have their own independent immigrant status) have limited access to services and protection against their abuser and need additional rights.
- Agencies report that the immigration status of these women is often a leading barrier in addressing their and their children's safety needs.

Immigrant victims often do not know their rights.

- Immigrant women often know little about their rights.
- Nowhere in the process of emigrating to the US are women informed of their rights.

Abusers use their superior citizen or immigration status.

- The abuser manipulates the victim by using his status as the "connector" of the woman to the bureaucracies, legal systems, and the larger mainstream society. As such, he often actively blocks access to information. A common story told by advocates was that in which the abusers hid immigration documents, passports and other legal papers from the victim.
- Every legal advocate recounted at least one case in which a woman had been abandoned by her abuser. The abandonment is, in fact, a feature of the abuse.
- A number of providers and legal advocates reported that a major issue for immigrant women in pursuing both civil and criminal cases is their fear that their children will be taken away from them and custody awarded to their citizen husbands.

The Government systems – immigration, legal and social welfare – are difficult to navigate and often hostile.

The Immigration System

- Victims encounter an immigration system – especially at the local level – that is cumbersome, lengthy, and often hostile. Many women are often – at best – in legal limbo for years, restricted both in travel and ability to work.
- Victims often lack the financial, legal, emotional and social resources needed to successfully maneuver through the maze of regulations and paper work of the immigration system.

"Numbers of people don't get status because they need legal advocates. They don't know how to get services."

- Carol Waldman, Attorney-Legal Assistance Foundation of Metropolitan Chicago

- Delays at all levels of the immigration process put many victims in limbo and make it difficult for them to make a livable legal wage necessary to support themselves and their children

Criminal Justice and Family Court System

- Individuals who do not speak English are often at a disadvantage in the justice system.
- Women married to citizens often encounter bias because of their lack of citizenship or permanent residency status.
- Judges do not understand the immigration dynamics that often accompany custody and divorce cases.

Public Assistance and Other Social Welfare Benefits

- Due to welfare reform, it is harder for any victim of domestic violence to use public assistance to build a safer life.
- Immigrant victims are often not eligible for benefits.
- Even in states that have special access to public assistance for victims of domestic violence and/or immigrant women, those that are eligible are often unfairly denied benefits by uninformed case workers.
- Emergency shelter policies often have no provisions to take into account the increased time needed for immigrants to transition to independent housing and employment.

RECOMMENDATIONS

Increasing Knowledge and Resources

- Mandate the US Department of State to educate all immigrant women on their rights and resources before immigration to the United States.
- Continue development of national networks of immigration attorneys who work on domestic violence (DV) issues.

Institutional Advocacy

- Ensure that all regional immigration offices have liaisons or ombudsman on DV.
- Institute more DV/immigrant training and liaisons in local welfare offices.
- Provide training for court staff and officials on issues related to immigrants and family law.

Expanding and Protecting Rights

- Mandate all states to have all immigrants covered in various public assistance programs (including TANF, TANF-funded childcare, job training and transportation programs, SSI, Medicaid, and other programs).
- At minimum, mandate coverage of immigrant victims of domestic violence for public assistance such as proposed in *Women Immigrant Safe Harbor Act*.
- Reform immigration procedures to allow more independent immigration status for women who are reuniting with family in the United States.
- Expand asylum status to include victims of domestic violence who do not meet the current Violence Against Women Act (VAWA) criteria.
- Develop "fast track" work permits that would allow employment authorization to be granted on the basis of a pending self-petition.
- Move from basing rights for violence victims on citizenship and residency to basing rights on "person-hood" and international law.

Advocates report that local immigration hearing officers often are not prepared – due to attitudes and/or lack of knowledge – to sympathetically adjudicate cases involving domestic violence; they often approach cases as "another way to commit fraud."