

## IMMIGRATION AND GENDER-BASED VIOLENCE

Like women across race, nationality, and other marginalized identities, immigrant women are at high risk for experiencing gender-based violence. In addition to the risk of violence, immigrant women experience increased barriers to fleeing abuse due to a complex set of factors. Among those are language barriers, fear or confusion about U.S. legal systems, financial abuse, and social isolation.

Congress created important protections for immigrant survivors of gender-based violence in the Violence Against Women Act (VAWA) with the understanding that abusers often exploit survivors' lack of knowledge about legal systems and use survivors' immigration status as a means to control and coerce them. Special immigration remedies were created through the Violence Against Women Act (VAWA) in 1994 and have been strengthened in each subsequent reauthorization of VAWA.

Over the last year and a half, immigration enforcement policies have had a significant impact on immigrant survivors of gender-based violence. YWCAs have reported seeing fewer immigrant survivors in shelters, at appointments, or calling their hotlines for support. In addition, survivors are reluctant to report abuse to law enforcement, for fear of retaliation, deportation, or detention. These immigration enforcement policies instill fear into survivors who are already experiencing trauma.

As the largest network of domestic violence service providers in the country, YWCA knows all too well the challenges and trauma that survivors face. All survivors deserve safety, support, and justice. YWCA will continue to advocate for all survivors and will continue to offer support and resources, call for justice, and work to end gender-based violence.

### FACTS

- Immigrant status has been found to have an impact on survivors' help-seeking behavior. One study found that Latinx immigrants were less likely than non-immigrants to seek help for domestic violence from formal agencies (6.9 percent vs. 14.7 percent).<sup>i</sup>
- Married immigrant women experience higher levels of physical and sexual abuse than unmarried immigrant women, 59.5 percent compared to 49.8 percent, respectively.<sup>ii</sup>

- Research points to high rates of domestic violence in Asian homes. In a review of community-based studies, 41–61 percent of respondents reported experiencing intimate partner violence (physical and/or sexual) during their lifetime.<sup>iii</sup>
- Forty-eight percent of Latinas in one study reported that their partner’s violence against them had increased since they immigrated to the United States.<sup>iv</sup>

*Newly arrived immigrant survivors may face additional forms of abuse that other women of color and Native women born in the United States may not, including:*

- threats of deportation despite immigration status
- language barriers
- lack of knowledge of the American legal system
- threats to report employment status if survivor works "under the table"
- threats of deportation and separation from citizen children
- withdrawal of petition to complete legalization status
- destruction of important documents such as an identification card or passport

*In addition, there are some barriers that make reaching out for help and obtaining culturally and linguistically appropriate support services more challenging for many communities of color.*

- cultural barriers
- economic barriers, threat of homelessness, job insecurity
- religious barriers
- fear of law enforcement and other systems, including child protective services

## ADVOCACY RESPONSES THAT MAKE A DIFFERENCE

- **Ensure that legislation and policies to prevent gender-based violence and to support survivors are inclusive of all victims and survivors**, including access to relief offered under VAWA, Family Violence Prevention and Services Act (FVPSA), and Victims of Crime Act (VOCA), as well as access to health care, housing, financial, and other assistance.

- **Ensure that survivors of violence have access to culturally and linguistically appropriate services.** Immigrant women who attempt to escape abusive situations may not have access to bilingual shelters, financial assistance, or other resources. It is also unlikely that they will have the assistance of a certified interpreter when reporting complaints to the police or a 911 operator, in court, or even in acquiring information about their rights and the legal system.
- **Increase the number of U visas available each year for immigrant victims who assist in the investigation or prosecution of designated crimes and violations.** The U visa is a carefully crafted tool to reduce crime and protect individuals who cooperate with police to put criminals behind bars. But only 10,000 U visas are available per year, leaving too many victims without the tools they need to start over in safety.
- **Enable victims with pending VAWA petitions and U and T visa applications to receive work authorization no later than 180 days after their application is filed.** Right now, applicants often must wait more than a year and half for the adjudication of cases, which undermines their ability to achieve safety and economic stability.
- **Devote sufficient resources to reduce the tremendous backlog in the U visa program.** Currently, both a backlog of pending applications and a shortage of immigration adjudicators has led to processing delays of up to four years for applications to determine initial eligibility for U-visas, leaving victims vulnerable to removal during the pendency of their case.
- **Eliminate the one-year filing deadline for asylum cases.** Women fleeing gender-based violence often don't know about the deadline or may be unaware that they are eligible for asylum.
- **Separate the public safety mandate of local law enforcement from the federal mandate to enforce immigration law.** Fear of immigration consequences should never stop an immigrant woman and girl from seeking help in the wake of a crime.

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<sup>i</sup> Ingram, E. M. (2007). A comparison of help seeking between Latino and non-Latino victims of intimate partner violence. *Violence Against Women*, 13(2), 159-171.

<sup>ii</sup> "The Facts on Immigrant Women and Domestic Violence", *Futures Without Violence*, Retrieved 10/18 from [http://www.futureswithoutviolence.org/userfiles/file/Children\\_and\\_Families/Immigrant.pdf](http://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Immigrant.pdf)

<sup>iii</sup> Source: Yoshihama, M., & Dabby, F. C. (2009, September). *Facts & Stats: Domestic Violence in Asian, Native Hawaiian and Pacific Islander Homes*. San Francisco, CA: The Asian & Pacific Islander Institute on Domestic Violence.

<sup>iv</sup> Dutton, Mary; Leslye Orloff, and Giselle Aguilar Hass. 2000. "Characteristics of Help-Seeking Behaviors, Resources, and Services Needs of Battered Immigrant Latinas: Legal and Policy Implications." *Georgetown Journal on Poverty Law and Policy*. 7(2).