

Battered Immigrants and U.S. Citizen Spousesⁱ
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Introduction

This paper reviews and provides data about the dynamics of domestic violence experienced by immigrant women. This information will help adjudicators who decide cases involving battered immigrant women better understand and consider the evidence presented, against a background of the research on domestic violence and immigrants. A second important goal of this paper is to provide information and data that will assist legislators and government agency policy makers in crafting legislation and administrative agency regulations and policies that will be grounded in the reality of the dynamics of domestic violence experienced by immigrant women.

In 1994 Congress passed the Violence Against Women Act (VAWA) the first piece of federal legislation designed to involve all three branches of federal government, Congress, the courts and federal government agencies, in curbing domestic violence in the United States (Orloff & Kaguyutan, 2002). Congress specifically included immigration protections in VAWA 1994 based on findings that

Domestic battery problems can be terribly exacerbated in marriages where one spouse is not a citizen, and the non-citizens legal status depends on his or her marriage to the abuser. Current law fosters domestic violence in such situations by placing full and complete control of the alien spouse's ability to gain permanent legal status in the hands of the citizen ... Consequently, a battered spouse may be deterred from taking action to protect himself or herself, such as filing a civil protection order, filing criminal charges or calling the police, because of the threat or fear of deportation (H.R. Rep. No. 103-395 p. 26).

In coming to this conclusion Congress relied on testimony taken at hearings, "Untold Stories", a compendium of case stories illustrating experiences of immigrant victims trapped in abusive relationships (FVPPF, 1993) and a survey conducted in the District of Columbia by AYUDA that found that abuser's power and control over a victim's immigration status significantly increased the likelihood of abuse for immigrant victims (H.R. Rep. No. 103-395; Hass, Dutton, & Orloff, 2000; Dutton, Orloff, & Hass, 2000; Orloff, Dutton, Hass, & Ammar, 2003; Ammar, Orloff, Dutton & Hass, 2005). Congress relied on this research in deciding to include special protections for battered immigrant women in the Violence Against Women Act. This paper will provide more detailed analysis of the data from the large scale research project undertaken by AYUDA in the early 1990's and cited by Congress in 1994, and will discuss findings of other reported research since then that addresses violence experienced by immigrant victims and violence in male dominated relationships.

I. Immigrant Victims Experience a Higher Incidence and Severity of Domestic Violence

There is a growing body of research data demonstrating that immigrant women are a particularly vulnerable group of victims of domestic violence. They tend to have fewer resources, stay longer in the relationship, and sustain more severe physical and emotional consequences as a result of the abuse and the duration of the abuse than other battered women in the United States (Abraham, 2000; Anderson, 1993; Ammar, Orloff, Dutton & Hass, 2005; Ammar & Orloff, 2006; Bui, 2003; Hass, Dutton, & Orloff, 2000; Menjivar & Salcido, 2002; Raj & Silverman, 2002; Raj & Silverman, 2003; Rodriguez, 2004; Valdez, 2005; Warrier, 2002). In particular, research studies have found that abusers of immigrant domestic violence victims actively use their power to control their wife's and children's immigration status and threats of deportation as tools that play upon victim's fears so as to keep their abused spouses and children from seeking help or from calling the police to report the abuse (American Bar Association, 1994; Ammar, Orloff, Dutton & Hass, 2005; Natarajan, 2003; Orloff, Dutton, Hass, & Ammar, 2003; Raj & Silverman, 2003; Ramos & Runner, 1999; Raj, Silverman, McCleary-Sills & Liu, 2005).

Although the lifetime prevalence of domestic violence in the U.S. in the general population is estimated at 22.1% (Tjaden & Thoennes, 2000), the prevalence of domestic violence for immigrant women has been reported as being much higher. In a study of immigrant Latinas in Atlanta; Perilla, Bakerman, and Norris (1994) found that half of them have sought out assistance for abuse. The Immigrant Women's Task Force of the Coalition for Immigrant and Refugee Rights and Service (CIRRS, 1990) in their study of immigrant Latina and Filipina women in the San Francisco Bay Area found that 34% of Latinas and 20% of Filipinas admitted experiencing domestic violence. More than half (52%) of the battered Latina said they were still living with the abusive partner. Taken together, studies of intimate partner violence prevalence in Latina, South Asian, and Korean immigrant women report numbers that range from 30% to 50% (Dutton, Orloff & Hass, 2000; Raj & Silverman, 2002ab; Rodriguez & Duran, 1995; Song, 1996).

More specifically, in the AYUDA survey, relied upon by Congress in passing VAWA, with a general population sample of 280 immigrant Latinas, Hass, Dutton, and Orloff (2000) found a lifetime prevalence of domestic violence at 49.8% and the prevalence of psychological abuse (non-overlapping) at 11.8%. However among immigrant Latinas who reported being currently married or having been previously married, the physical and sexual abuse rate rose to 59.5%.

Battered immigrant women are particularly vulnerable and become trapped in abusive relationships due to their limited English language skills, a lack of knowledge they have about U.S. legal protections and services to help domestic violence victims, financial dependency upon male intimate partners and family members, isolation and lack of social support systems in the United States (Dutton & Hass, 2001, Sullivan & Orloff, 2004). They often experience discrimination and decreased social opportunities due to their minority status, acculturation difficulties, and the social disruption resulting from their

experience as immigrants and their lack of legal immigration status. Rodriguez, Nemoto and Mkandawire (2003) found that the rights of immigrant victims are often overlooked by providers who see them as “others”, i.e. not deserving the full protection of the community because of their status as outsiders.

Research on domestic violence conducted among immigrants indicates that immigrant women are very often victims of domestic violence due to vulnerability related to their immigration status (Abraham, 2000; Ahmad, Riaz, Barata & Stewart, 2004; Ammar, 2000; Ammar, Orloff, Dutton & Hass, 2005; Ammar & Orloff, 2006; Dutton, Orloff & Hass, 2000; Hass, Dutton, & Orloff, 2000; Orloff & Kaguyutan, 2002; Orloff, Dutton, Hass & Ammar, 2003; Raj & Silverman, 2002; Rodriguez, 2004; Srinivasan & Ivey, 1999).

The survey conducted by AYUDA demonstrated that 31% of the battered women reported an increase in the incidence of abusive incidents after their immigration to the United States. Another 9% reported that abuse began with immigration. One fifth of the surveyed immigrant women reported that their spouses use threats of deportation and of not filing or withdrawing immigration papers as a power and control tactic in the abusive relationship. One fourth of the participants stated that immigration status prevented them from leaving the abusive relationship (Dutton, Orloff, & Hass, 2000).

Importantly, National Institutes of Justice research conducted among battered immigrant women from diverse cultures and countries of origin across the United States by Erez & Ammar (2003) found that 65% of the 157 battered immigrant women interviewed reported that their abuser had used some form of a threat of deportation once they arrived to the United States as a form of abuse. Similarly, a survey among South Asian immigrant women in Boston, found a strong correlation between immigration-related abuse and physical and sexual abuse in intimate partner relationships (Raj, Silverman, McCleary, & Liu, 2005).

Through immigration-related abuse, the abuser controls whether or not his spouse attains legal immigration status in this country, whether any temporary legal immigration status she has becomes permanent, and how long it may take her to become a lawful permanent resident. Ultimately, this immigration-related abuse dramatically affects whether and the length of time it will take before she can apply to become a naturalized citizen. For immigrant victims, this form of power and control is particularly malicious and effective. The fear induced by immigration-related abuse makes it extremely difficult for a victim to leave her abuser, obtain a protection order, access domestic violence services, call the police for help, or participate in the abuser’s prosecution (Ammar & Orloff, 2006).

Moreover, when immigrant victims share children in common with an abuser who is a citizen or who has legal immigration status, abusers of immigrant victims keep the immigrant mother of their children from attaining legal immigration status, and then try to raise her lack of legal immigration status in a custody case in order to win custody of

the children despite his history of abuse (American Bar Association, 1994; Ammar, Orloff, Hass & Dutton, 2004; Orloff & Sullivan 2004).

Some examples of immigration related abuse include, but are not limited to:

- Threatening to report her or her children to the Department of Homeland Security.
- Telling her that if she calls the police for help he will have her deported.
- Not filing papers to confer legal immigration status on her and/or her children
- Threatening to withdraw or withdrawing immigration papers he filed for her and/or her children.
- Making her come to the United States on a visitor's or fiancé visa although she is already married to her spouse - a form of immigration fraud.
- Not giving her access to documents that she needs for her application for lawful immigration status.
- Hiding from her notices to appear before an Immigration Judge so that she misses her opportunity to defend against her deportation (Ammar, 2005).

Immigration-related abuse is also an indicator of increased probability of lethality. This form of abuse is 10 times higher in relationship where physical and sexual assaults are also present than in emotionally abusive relationships (Hass, Dutton & Orloff, 2000). Thus, evidence of immigration-related abuse in a relationship corroborates other evidence of physical and sexual abuse in much the same way as a evidence that the abuser cut the telephone cord in the home. It is also important that adjudicators, health care professionals and domestic violence service providers understand that when there is evidence of immigration-related abuse in a case in which the victim has only admitted or has only thus far experienced emotional abuse this may be evidence that the abuse in the relationship is escalating.

II. There is Significant Evidence That Abuse Rates Rise When U.S. Citizen Men Marry Immigrant Women

It is often assumed that battered immigrant women are subjected to violence by partners who are themselves immigrants, and that these men were in no position to facilitate her access to legal immigration status. The AYUDA survey found that of the married/formerly married women who reported physical and/or sexual abuse, 47.8% were married to U.S. citizens or lawful permanent residents. When abusers controlled the immigration status of a victim spouse 72.3% never filed immigration papers on behalf of the immigrant victim spouse. Those who filed immigration papers on behalf of the spouse had an average delay of almost 4 years (Dutton, Orloff, & Hass, 2000). This was a key finding that motivated Congress to include immigration relief in the Violence Against Women Act of 1994 (H.R. Rep. No. 103-395 p. 26).

Further analysis of this same AYUDA data, published here for the first time, reveals the following findings. We analyzed the data from immigrant women participating in the AYUDA survey who reported:

- That they were physically and emotionally abused;

- That they were married to the abuser; and
- Reported the immigration status of their spouse.

We here report the results from our closer examination of the immigration status of the spouses of these abused immigrant spouses. We found that American born spouses constituted 52.2% of the perpetrators, 9.7% of the victim's spouses were naturalized U.S. citizens, and only 2.2% were married to lawful permanent residents. The remaining survey participants who provided information about the immigration status of their spouse/former spouse reported abusers with other forms of immigration status such as Temporary Protected Status, student visa, work visa and undocumented. This analysis reveals that the vast majority of the 64% married/formerly married women who reported abuse in this survey were married to and abused by U.S. citizens. These data further suggests that when U.S. citizens are married to foreign women the abuse rate is approximately three times higher than the abuse rate in the general population in the United States.

Research among Hispanic and Black men regarding domestic violence confirms that both citizen men and foreign-born men report perpetrating abuse against intimate partners at similar rates. In a research conducted with an urban community mental health center where the participants were predominantly Hispanic (75%) and Black (22%) men, the author (Raj, 2006) found that men self-reported perpetration of intimate partner violence at 41.3% for the previous year. The men participating in this study included both U.S. born citizen and foreign-born Hispanic and Black men. The association between intimate partner violence and U.S. born citizenship status or national origin was found by Raj to be insignificant, even after controlling for age and race/ethnicity. This finding of no significant differences in abuse rates between men born in the U.S. and men born abroad, means that, men born in the U.S. are just as likely to be abusers as men with other types of immigration status.

In summary, foreign-born men and U.S. citizen men born in the United States are equally likely to be perpetrators of domestic violence. However, the likelihood of abuse rises significantly when the U.S. citizen men marry immigrant women.

III. Dynamics of Male Dominated Marriages

The power structure of the marriage and the cultural or gender-related values of the couple in the marriage have been found to be factors that in many cases perpetuate, facilitate and increase the domestic violence. When the man is the designated head of the family and the decision maker, it is inevitable that the unequal levels of power and control in the relationship make the woman a more vulnerable target of violence and automatically create a situation of powerlessness in the woman. Research conducted by Rodriguez and Duran (1995) found that the power dynamics for immigrant couples changed upon immigrating to the United States because women often had to work outside of the home. This change in traditional roles upset the power balance of male as provider

and female as homemaker, which then placed women at risk for abuse as she became more independent.

Coleman and Straus's (1986) study of 2,143 couples described the relationships among couples as fitting into one of four groups – male-dominated, female-dominated, divided power, and egalitarian. They found that male-dominant couples were the type of relationship that most experienced a high level of marital conflict (39%). In fact, they were twice as likely to have high conflict as egalitarian relationships. Egalitarian couples were the type of relationship with the lowest percentage in the high marital conflict category (20%). In between were couples that had divided power and female-dominant couples (33.8% and 33.1% respectively). Smith's study in Toronto (1990) concluded that men who adhered to an ideology of familial patriarchy were more likely to beat their wives than men who did not espouse patriarchal beliefs and attitudes.

The Centers for Disease Control and Prevention (CDC) found that attitudes of the male perpetrator are directly related to the incidence of domestic violence. CDC reported (<http://www.cdc.gov/ncipc/factsheets/ipvfacts.htm>) that major risk factors of domestic violence, supported by strong empirical literature are the belief in strict gender roles, male dominance and aggression in relationships, desire for power and control in relationships, dominance and control of the relationship by the male, and traditional gender norms (women should stay at home and not enter workforce, and should be submissive) (Dobash & Dobash, 1997; Collins, 1990). Researchers have found a connection between requiring obedience and domestic service as a recurring theme in abusive relationships. (Dobash, Dobash, Wilson & Daly, 1992). Similarly, male sexual jealousy and proprietariness are also often cited as attitudes related to the incidence of intimate violence. In fact, the obsessive possessiveness of some batterers has been linked to the use of lethal violence against their victims (Hart, 1988; Wilson & Daly, 1992).

In the AYUDA study, when battered immigrants who were living with their abuser were compared with immigrant battered women who had fled the abusive relationship, it was found that traditional/cultural norms, concerns about the role of the woman as wife and mother, a woman's cultural or religious obligation to keep the family together, and concerns about not having value in the community as a single women were pervasive factors that kept battered women from leaving their abusers (Orloff, Dutton, Hass, & Ammar, 2003). This suggests that holding traditional values may be a factor in the women's remaining in the abusive relationship but not on the levels of abuse.

For both immigrant women and U.S. born women male dominated marital relationships are more likely to foster domestic abuse than egalitarian relationships in which both partners treat the other as equals. However, for immigrant women isolation, the difficulties of acculturation and cultural expectations may combine to make male-dominated marriages particularly dangerous for immigrant victims. When an immigrant

victim's abuser is her U.S. citizen spouse, the danger and likelihood of abuse is even greater.

Conclusion

It is important that courts, legislators, government agency personnel and immigration adjudicators understand the dynamics of domestic violence that occur in relationships between U.S. citizen men and immigrant women. Domestic violence rates in these relationships are higher than domestic violence rates in the U.S. population in general. The research reported in this paper reemphasizes how power and control over the immigration status of an immigrant spouse or partner enhances the likelihood and the severity of domestic abuse. Immigrant women overcome significant barriers when they turn to the U.S. justice, health and social services systems for help to end domestic violence. When immigrant women find the courage to seek help despite their abuser's threats of deportation, language barriers, isolation, and varying levels of acculturation, our U.S. justice and social services systems must respond appropriately to their needs. Understanding the danger of immigration-related abuse is critical to our ability to offer what can be life saving help to immigrant women and their children.

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