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Battered Immigrant Women in the United States and Protection Orders: An Exploratory Research

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Abstract

Keywords

There is an emerging body of literature that explores help seeking as a process of interplay between battered immigrant women and the justice system—the process of how women learn about the

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system, the factors influencing their decision to utilize it, and their assessments of the services (Acedo, 2000; Ammar, Orloff, Dutton, & Hass, 2005; Erez & Ammar, 2003; McFarlane et al., 2002; Orloff, Dutton, Hass, & Ammar, 2003; Raj & Silverman, 2003; Uekert, Peters, Romberger, Abraham, & Keilitz, 2006). To contribute to this emerging body of literature, this study specifically examines battered immigrant women and their use of protection orders.

Today, all 50 states have adopted protection orders especially drafted for the use of battered women to provide them with a justice system option separate from the criminal court system, in which the victim

many of the abusers who violated protection orders, particularly when the victim who called for help did not speak English (Ammar et al., 2005). Bui (2003, p. 221) explains that “women used ‘restraining orders’ as a bargaining tool for their safety, especially when their husbands or partners felt deterred by the order, while continuing to maintain the relationship.” Beyond these findings, there is little known about the use of protection orders by immigrant women who are victimized by IPV.

This article explores the knowledge battered immigrant women have about the existence of protection orders as a remedy in the United States for IPV victims, their experiences with obtaining protection orders, the remedies and solutions they have included in their protection orders, their experiences with the violations of these orders as well as their views on improving the content of and process of obtaining protection orders. These issues are examined through narratives obtained from the participants in the study as well as descriptive statistics and regression analysis. The objective of this research is to better understand the conditions battered immigrant women face when they seek help from the justice system. Such an understanding can contribute to the development of more effective mechanisms that facilitate immigrant women’s ability to safely seek and obtain the justice system’s assistance.

Theoretical Background

During the past two decades, the primacy of gender in the analysis of battered women’s experiences has been a subject of critique by many scholars (Abraham, 2000a, 2000b; Crenshaw, 1994; Kulwicksi & Miller, 1998; Sokoloff & Dupont, 2005). The focus solely on gender prioritizes gender over other

following section discusses some of the elements of these beyond-culture forces influencing battered immigrant women's experiences of IPV.

Immigrant Women's Experience With IPV

Studies have found that the lifetime prevalence of IPV among immigrant women is higher than the general population (Hass et al., 2000; Perilla, Bakerman, & Norris, 1994; Raj & Silverman, 2002). Research about the prevalence and severity of IPV among immigrant women in Latino, South Asian, and Korean communities report abuse rates that range from 30% to 50% (Dutton, Orloff, & Hass, 2000; Raj & Silverman, 2003; Rodriguez, 1995; Song, 1996). This compares to a lifetime prevalence of domestic violence in the United States in the general population that is estimated at 22.1% (Tjaden & Thoennes, 2000).

Battered immigrant women face a unique form of abuse, namely immigration-related abuse. This form of abuse includes abusers threatening deportation of immigrant victims or their children, threatening to take the children (Ammar & Orloff, 2006; Raj & Silverman, 2002), and controlling whether or not spouses or partners attain legal immigration status in the United States (Orloff & Kaguyutan, 2002; Pendleton & Block, 2001).

For foreign-born women immigrants the process of acculturation plays an important role in increasing or decreasing an immigrant victim's isolation (Ammar & Orloff, 2006; Raj & Silverman, 2003). It also affects when, whether, how, and from whom the battered immigrant learns about services, assistance, and legal relief that is available to help those who suffer domestic abuse. The longer battered immigrant women have lived in the United States the more their help seeking shifts from informal (talking to a friend or family member) to formal approaches—mustering the courage to call the police for help (Ammar et al., 2005; Dutton et al., 2000; Orloff et al., 2003; Yoshihama & Dabby, 2009). During acculturation, immigrant women move through a process in which they are called upon to navigate and balance the gender expectations from their home country, from the immigrant community they may live within in the United States, and from the mainstream U.S. community to which they are adapting (Dutton et al., 2000). Unlike immigrant men, during the acculturation process immigrant women have to cope with limitations due to gender discrimination and patriarchal norms and values of both the immigrant and mainstream cultures (Runner et al., 2009). Immigrant women of color and immigrant women with other visible traits (e.g., dress, religion, etc.) encounter semipermeable boundaries (RunnSan-30p1n-1s(wo-364.4(al.ded-365[20;..)-3.4.ekah)am)-365n-1s(wo-364.4(al.ded-365[2600;)4056

& DuMont, 2006) and social support (using the Interpersonal Support Evaluation List, Cohen et al., 1985). The demographic measure included items to assess the subjects' age, number of children, immigration status (naturalized citizen/lawful permanent residency, temporary legal immigration status, undocumented immigration status), country of origin, ethnicity, marital relationship status with abusive partner for whom the participant is seeking services, intent regarding the relationship (rema

Research Questions

The research questions focused on the participant's experiences, perspectives, and views on six issues that will help advocates, attorneys, service providers, and the justice system to better serve immigrant victims of domestic violence to obtain protection orders. These issues include:

the battered immigrant women's use and knowledge of protection orders,
the remedies (solutions) sought in the protection orders,
victims' opinions about the process of filing for protection orders,
victims' perceptions about the effects of protection orders on IPV,
victims' experiences with protection order violations; and

Results

Sample Characteristics and Experience With Violence

The sample included 153 women participants. The age of the women in the sample ranged from 21 to 46 years (with a median age of 31 years). The majority (86%, $n = 132$) of women in the sample had a range of 0–10 children and a mean number of 2.4 children. Seventy-five percent of the battered immigrant participant's children ($n = 114$)

green card or a visa [34%, n = 48], threatened or actually withdrew immigration papers [39%, n = 57]. Fifty-one percent (n = 78) of participants' abusers sometimes, often, or very often threatened or actually reported their victims to immigration officials.

Battered Immigrant Women and Protection Orders

Immigrant Women's Use and Knowledge About Protection Orders

Eighty-nine percent of the participants in the sample (n = 93 of the 104 who answered the question) had no prior knowledge of protection orders before they turned to the legal or social services organization for help. They first learned that protection orders were a civil legal remedy that could help protect them against and potentially reduce the incidence and/or likelihood of future abuse from legal and social services agencies that specialize in serving domestic violence victims.

A total of 124 (81%) of the women obtained protection orders. Almost 58% (n = 60) had current protection orders. Of those 124 women, 108 (87%) filed for both temporary and permanent protection orders. The remainder (13%, n = 16) sought only temporary protection orders and did not pursue full protection orders. Among the women who filed for full protection orders, the majority (87%, n = 71) did so to protect themselves against abusers who were also the fathers of their children. The vast majority of these women (85%, n = 104) did not live with their husband/partner. However, over

orders on the other hand are protection orders requiring no contact with the abuser. Most of the victims seeking permanent protection orders obtained stay away orders requiring no contact with the abuser (87%, n = 108). In addition to ordering the abuser to stay away from the victim and to not abuse her further, the remedies most often included in full protection orders were partner cannot abuse, regulating partner visitation rights, women can use home on her own, partner should turn over property, and partner is not to remove children from court jurisdiction. Table 2 lists the remedies obtained in the full protection orders and temporary protection orders.

Opinions About the Process of Filing for Protection Orders

A little more than half of the battered immigrant women participants (53%, n = 65) answered the survey questions addressing their experiences with the process of filing for protection orders. Although almost a quarter of the participants (27%, n = 17) of the battered immigrant women found it difficult, the majority (54%, n = 34,) found the experience easier than they expected. Almost 12% (n = 14) reported they had no expectations, were unsure what to expect, or did not know.

Advocacy was a key reason the battered immigrant women participants found the experience of filing for protection orders easy. Forty-seven percent (47%, n = 31) of the participants found advocacy to be a particularly effective and an important part of the protection order process. The participants noted that they appreciated and were more willing to use the protection order system when someone spoke their language and when someone understood their concerns. Advocates were particularly helpful, compassionate, and cooperative. Thirty-two percent (n = 21) of the battered immigrant women felt that being protected from their partner/husband, obtaining custody, or being awarded financial support were the most helpful aspects of the process. A number of battered immigrants reported that everything about the protection order process was helpful and fast (13%, n = 8). Five battered immigrant women (8%) noted that the judge, the court personnel, and the police were very helpful during the protection order process. The reasons battered immigrants cited for finding the protection order easy included 'mmAeasy (')8-257.8sTf1h5e,bat1.(mmAnasy)-3549ed 21.2(t)0.1fTc0.825

not have to see him,” “it was easier because [name of the service organization] helped me,” and “judge signed immediately.”

Reasons for finding the protection order process difficult included “too much paper work,” “the court did not give me enough information about my husband’s finances,” “I expected stronger sanctions against him, expected him to be arrested,” “it was an overwhelming process,” “it took longer because I did not read English,” “I expected more remedies,” and “it is difficult to appear in court and in front of a judge.”

One hundred and thirty-six of the battered immigrant women (90%) in the sample stated that they would recommend the filing of a protection order to other women.

Effects of Protection Orders on IPV

Most of the battered immigrant women who filed for protection orders (n = 108) experienced changes in their partners/husbands’ attitude following the issuance of the protection order. Fifty-seven percent (57%, n = 71) of the women participants said that the protection order was very helpful, helpful, or a little helpful. The majority of the battered immigrant women (70%, n = 86) stated that filing for a protection order made them feel safer. However, a significant minority (41%, n = 50) felt that the protection order made them more vulnerable. For almost all the women, the reason for their perceived increased vulnerability was fear of retaliation from the abusive partner

(59%, n = 73), keep the abuser physically away (26%, n = 32), prevent abuse (11%, n = 14), give her peace of mind (4%, n = 5), and prevent the abuser from taking the children (2%, n = 3).

Experiences With Protection Order Violations

Battered immigrant women's feelings of vulnerability following issuance of the protection order were not unwarranted. A large number of the battered immigrant women who filed for protection orders (66%, n = 81) had an abusive partner violate the order. Although most abusers continued to threaten, harass, and attempt to exert control over their partners in violation of the protection

(67%, n = 103). Most (68.5%, n = 104) lacked permanent legal immigration or citizenship status. Among this group most were undocumented (44%, n = 67). Those that had some form of temporary

in custody cases may use the fact of no prior police reports as evidence that the abuse did not exist or was not as severe as the victim claims. In fact the opposite is true.

Immigration status The surprising finding in this study was the number of undocumented women

10.2% (n = 6) of the victims were provided a qualified professional interpreter. In the remaining cases, the courts used relatives of the victim as interpreters including children, sisters, and brothers of the victim. This research confirms with the findings of other research (Uekert et al., 2006) that protection order courts are not providing qualified interpreters in protection order proceedings. These linguistic limitations seriously cripple the women's ability to escape the harm of IPV (Abraham, 2000a, 2000b; Ingram et al., 2010; Orloff et al., 2003, Runner et al 2009). Lack of language access policies and failure to access qualified interpreters for crime scene investigations lead to a range of harmful law enforcement practices. Such practices include police responding to 911 calls do not talk to the victim at the scene (Ferraro & Pope, 1993), not taking the immigrant women's calls for help seriously (Ammar et al., 2005), not respecting the immigrant woman and turning to the abuser (Orloff et al., 2003), or the abuser's family members who speak English to "interpret" for the victim (Ammar et al., 2005; Ferraro & Pope, 1993; Orloff, 2003). These practices can lead police officers to believe the abuser's version of the events and result in police not taking any action against the abuser (Ammar et al., 2005) or arresting the victim instead of the abuser (Runner et al., 2009).

Language barriers also undermine the ability of immigrant victims to learn that domestic violence is a crime in the United States and that there are services and legal protections, including immigration relief, available to protect immigrant victims in the United States (Dutton et al., 2000; Mindlin, Orloff, Pochiraju, Baran, & Echavarría, 2011; Runner et al., 2009).

A Call for Training

A number of issues emerging from this study need attention at both the service provision level and the policy level. Improving law enforcement and court access to this population of abused women requires the reduction of language barriers. Not only is there a need for interpreters or personnel who speak other languages (than English) but those individuals should also receive training in domestic violence dynamics to improve their ability to provide interpretation services to immigrant victims seeking help for protection orders and other justice system services.

There is also a great need to translate the existing informational pamphlets on protection orders, protection order enforcement, custody, immigration benefits and other legal rights, health care, and social services available to help women victims of IPV into a variety of languages. Public service announcements on help for battered immigrants should be aired on radio and television and distributed widely. Conveying information through non-English language radio and TV enables women who are not literate in their own language to receive the information. The schools that immigrant women's children attend could also be a viable avenue for distribution of brochures on the protections available for immigrant crime victims in the United States.

Courts, police, prosecutors, and adjudicators need to be trained to understand that an individual victim's history of suffering multiple traumatic events explains why a victim may have declined to seek justice system assistance. Her cultural barriers are not the only obstacles in escaping IPV. The fact that the victimrad4mc()-317.4imationthaoining

All professionals working in the justice, health care, and social services systems, who encounter immigrant victims of interpersonal violence in their work, need training to learn about the legal rights of immigrant crime victims and immigrant domestic violence victims in the United States. All governmental and nongovernmental organizations need to implement language access plans to ensure that immigrant victims have meaningful access to the full range of services each program offers for family violence victims. Information on how to design, implement, and monitor language access plans have

I feel a responsibility to maintain my native culture in the U.S. programs from my native country, (18) I feel afraid of the U.S. police, and (19) I watch American TV programs more than I watch TV programs from my native country.

2. Scale measure items Verbal Abuse—19 items: (1) She or he called you a bad name, swore, yelled, or screamed at you, (2) she or he treated you like less than she or he was, (3) she or he watched over your activities or insisted you tell him or her where you were, (4) she or he used your money or made financial decisions without talking to you, (5) she or he was jealous or suspicious of your friends, (6) she or he accused you of having an affair with another man or woman, (7) she or he interfered with your relationships with family or community members, (8) she or he tried to keep you from doing things to help yourself, (9) she or he controlled your use of the telephone, (10) she or he told you that your feelings were crazy, (11) she or he blamed you for his or her problems, (12) she or he told you she or he would take or actually took your

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violence and intimate partner sexual assault experience by immigrant victims has significantly influenced how advocates, attorneys, federal government agencies, courts, and Congress understand, provide effective service to and craft legal relief that will be most useful for immigrant victims and their children. Dr. Dutton has also developed and provided numerous affidavits in support of applications filed by immigrant victims in VAWA self-petitioning, U-Visa and VAWA Cancellation of Removal cases highlighting the particular effects on immigrant victims of exposure to trauma including sexual assault and domestic violence, and its impact on immigrant women. For many years, Dr. Dutton has participated in research efforts that involved a multidisciplinary multiethnic team of collaborative research partners who published our research findings in social science journals and law review publications. These publications and Dr. Dutton's research on coercive control, trauma, and the dynamics of domestic violence are well regarded, widely used, and relied upon by policy makers and experts working in the fields of domestic violence, victim advocacy, and immigrant women's issues. Dr. Dutton's research has been extensively cited in amicus briefs submitted to several Federal Circuit Courts, the Board of Immigration Appeals at the U.S. Department of Justice, and a number of State Supreme Courts considering immigration, family law, international custody, civil protection order issues in cases of domestic violence victims, including immigrant victims.

Giselle A. Hass earned a doctorate in clinical psychology from Nova Southeastern University in 1992. She worked as a court psychologist for the Fairfax County Juvenile and Domestic Relations Court for 6 years and was an associate professor at Argosy University, Washington DC School of Professional Psychology for 15 years. She is currently an adjunct professor of Law at Georgetown University Law Center, Center for Applied Legal Studies. Dr. Hass has had a private practice since 1994, conducting family law and immigration psychological evaluations for local and national attorneys, nonprofit and government agencies. Since 1998, Dr. Hass has worked in federally funded research projects regarding culturally competent interventions for women in abusive relationships and the legal and policy aspects of domestic violence.