



Immigration Crackdown Puts Abused Women in Double Jeopardy

Geri Spieler

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For 19 years, Adelina, an undocumented immigrant from Mexico, endured abuse from her husband while they lived in a small trailer in East Los Angeles with their two daughters. If she told anyone about the abuse or reported him to the police, her husband threatened her, she would be deported and her children would be taken away.

“He was jealous and would beat and rape me,” Adelina told me. “He said I was a burden because I was not working and bringing in money, but my girls were just 2 and 4 years old. After he would be abusive, he would change and bring me flowers and be sweet and nice to the girls. But then, after a month [he] would go back to the way he was. Maybe it is my fault. Maybe that was love. I don’t know. It went on for years.

“I wanted to leave,” she continued, “but I feared I would get caught and be deported, as he constantly told me [I would be]. I felt I was dead as a woman. I felt I was a failure as a mother. I lost all interest in life, but I needed to be there for my children.”

It has been 15 years since Adelina left her husband and found help from Next Door Solutions, a Santa Clara County, Calif., agency that helps victims of domestic violence find safety and independence. The agency gave her shelter and supported her through the legal process of leaving her husband.

Adelina reflects on why it took her so long to make a change in her life: “I believed [his threats of deportation]. I was afraid of losing my girls.”

She says one of her daughters is now living the same abusive life. “My daughter is going through the same thing. I tell her she is hurting her children. I tell her to wake up. I ask her why she stays. It isn’t love. It’s fear. They know how to manipulate us. I tell her she can live differently.”

Changes in Reporting

Esther Peralez-Dieckmann, executive director of Next Door Solutions, said that her agency has seen a significant decrease in undocumented women seeking restraining orders against domestic partners, which she attributes to current federal immigration enforcement efforts.

“We are seeing drops in requests for other basic needs [as well], like food for families, because of this fear and perception that somehow they will be flagged by governmental agencies,” Peralez-Dieckmann said.

“Like never before, the federal enforcement efforts and movement toward deportation has heightened the level of worry and stress among immigrant survivors and their families.”

Since the Donald Trump’s election, reporting of all crime has dropped in immigrant communities. The Cato Institute, a public policy research organization, reported statistics from Philadelphia, Houston and Denver showing that immigrants fear reporting crimes, especially Latinos.

In particular, there has been a decline in reports of domestic violence and sexual assault among Latinos throughout the country. In Houston, there was a 42.8 percent reduction in the number of rapes reported by Hispanic victims in 2017, while the number of rapes reported by non-Hispanics rose by 8 percent. In Los Angeles, there has been a 25 percent decrease in reports of sexual assault among the Latino community compared to the same period in 2016. Law enforcement experts say this decline is specifically tied to fears of deportation.

Tracking Crime, Not Status

The climate of fear among immigrants is frustrating for local and state law enforcement personnel, who try to let victims of domestic violence know they are there to protect women and children.

“Whether a victim is here legally or not is not our issue. It’s not a question we ask,” Detective Greg Dini of the Morgan Hill, Calif., Police Department told me. “My main goal is to treat that person the same way I’d treat anyone.”

Dini acknowledges the paralyzing fear that U.S. Immigration and Customs Enforcement (ICE) personnel might be lurking around the courts, but he says that he has not seen that recently.

“We don’t work with ICE, and we don’t share information or status with them,” Dini said. “We want women to call us, regardless of their citizenship status. It’s important they call the first time, as we see violence get progressively worse each time, and it affects the children. It can damage the children for life. We don’t want that.

“Our population is heavily Hispanic, so we try and have a Spanish-speaking officer when we get called,” he added. When no officer fluent in Spanish at hand, technology comes to the rescue. “We all have cellphones in the field that we can call and get a translator immediately.”

Dini said his department reaches out to local domestic violence agencies in the hope that when women go to them, they will learn that law enforcement is there to help, not hurt them.

But even with organizations and law enforcement offering support, victims are often still reluctant to seek help.

“We have seen a decrease in undocumented survivors who are willing to follow through with the civil court process and obtain a restraining order,” Colsaria Henderson, executive director of Community Overcoming Relationship Abuse (CORA), told me. “With the current federal administration’s immigration and detainment practices, victims are scared to reach out for help. They feel they must weigh the risk of safety [against the] possibility of detainment and deportation.”

CORA is based in San Mateo, Calif. “Undocumented domestic violence survivors and families have full access to our services, including crisis counseling and safety planning,” Henderson

said. “However, they most often do not qualify for other state and federal benefits that help mitigate the effects of poverty, including food and affordable housing access. Without adequate supportive services, survivors will continue to weigh the risk of leaving an unsafe situation against the possibility that they may not be able to provide food for their children and could end up homeless.”

Sumerle Davis, a deputy district attorney for Santa Clara County’s domestic violence division, says that violence doesn’t get reported often enough, whether the victim is here illegally or not.

“We find the cultural backgrounds play a big part on how people see their circumstances,” Davis said. “Often they see the violence as a family issue and don’t report it.”

Echoing others interviewed for this piece, she said another barrier is that many, especially in the immigrant population, fear law enforcement.

“We struggle to get to them and let them know we are here to help them,” Davis said. “We don’t ask whether they are here legally.”

Davis said the main goal of her division is getting into the community. “We are all about community outreach,” she said. “We go out to many neighborhoods in the county. We go to immigrant organizations and the Latino churches here. We invite people to come to us to talk about crimes in their communities.”

Many family justice centers bring in law enforcement officials, therapists and immigration and family lawyers to talk to women who may be in an abusive relationships but are afraid to call from home. They can come to these centers and find out what they need to know or do, Davis said.

Protective Legislation

As the severity of domestic violence became more visible in the 1990s, Congress passed the Violence Against Women Act of 1994—the first all-inclusive federal legislation that provides protection against and prosecution for violence against women. It became part of the Violent Crime Control and Law Enforcement Act of 1994, and led to improvements in the Violence Against Women Act of 2000.

Two new visas were authorized under the Trafficking Victims Protection Act of 2000: the “U” visa for immigrant victims of serious crimes, and the “T” visa for victims of human trafficking.

Recipients of U visas are granted legal status in the U.S. for up to four years. Once they have held the visa for three years, they may be eligible to apply for legal permanent residence.

T visas are assigned to women who have been trafficked in some fashion, such as sex trafficking or being held against their will in domestic service, sweatshops, restaurant kitchens, or factory or farm work. The victim is required to file a “self-petition.” If granted, the victim can stay in the U.S. for up to three years. Sometimes the documents of these women, if any exist, are being withheld from them. In some circumstances, the T visa applies when a victim is smuggled into the country and is forced to work to pay fees to the smuggler for transport. T visas also provide protection to women under 18 who are forced into similar activities.

Domestic Violence Is Cross-Cultural

Titli (not her real name) came to the San Francisco Bay Area from South Asia as a young bride, dreaming of a loving family, safety and dignity. But her husband and his parents, who lived with them, treated Titli as a slave. When she gave birth to her daughter, the abuse intensified because she hadn't had a son. Verbal, emotional and physical abuse became standard. With a dependent visa, her husband and in-laws constantly threatened to cancel her visa. She was terrified of being thrown out of the country and losing her daughter. All her legal documents were hidden by her husband.

Abusers are adept at using the complicated systems of immigration in the U.S. to maintain control over their victims. With their immigration documents and knowledge about the reporting process withheld from them, victims are doubly persecuted.

One day, in response to an episode of violent physical abuse, a neighbor called the police, and police officers helped Titli call MAITRI, an organization that helps domestic violence victims from South Asia. The first time she called, she cried for several minutes before she could utter a word.

MAITRI helped Titli find space in a domestic violence shelter and then moved her to its transitional house. There, she received intensive case management. Titli filed for a U visa, went back to vocational school and received a new immigration status. She got her driver's license and practiced English with MAITRI staff and volunteers. The organization also helped her with job search and interview skills.

Like Titli, many battered women are told that if they talk to the police, they will be turned over to immigration, deported and lose custody of their children. These threats keep many women in abusive relationships and damage the children who witness the violence.

Pinpointing abuse and violence can be difficult, especially when language is a barrier and women are in a foreign country illegally, with few or no relationships outside of the family. All too often, helping organizations face a traditional culture of female subservience.

In the Asian community, several generations frequently live in a single home. Melissa Luke, senior program manager for Asian Americans for Community Involvement (AACI) Asian Women's Home, told me that a wife may become a victim of her husband's entire family, as Titli did. If she does not speak English, she is doubly at risk.

The culturally diverse Asian population of Northern California provides a challenge for law enforcement personnel seeking to help in domestic violence cases, because 112 different languages are spoken in the San Francisco Bay Area.

"We have seen circumstances in Asian homes where the mother- and sister-in-law live in the home with the wife," Luke said. "If the wife calls for help and the police arrive, it's entirely possible [the police] won't speak the language in that home. The in-law who speaks English will say they called the police by mistake, and of course, they leave, leaving the wife totally alone and at risk. ... [This] is just one example of a larger pattern we've seen over time, where the abuser and their family will use language to control the survivor's access to police and other critical resources."

Some wives are not allowed to shop for food, drive or go to school. They have little, if any, exposure to the outside world.

Word can also get back to the husband's family in the native country, who are likely to harass the wife's family. The victim, knowing her family will have problems back home, is put under even more pressure.

"The abuser is in charge, and it is cultural issues that keep women under control," Luke said. "The wives don't know their status. They trust that their husbands are seeking citizenship for them, so they don't question anything. They are afraid to ask and often are told, if they complain, [that] they will be deported, but if the children are born here, the wife will be sent away without them. They tell them [that] if they go to court and don't speak the language and don't have a job, 'Who do you think the judge will [side with]?' "

Sometimes the husband may abuse his wife but be a good father. This adds to the woman's reluctance to leave. When women do seek help, it is often because violence threatens the children.

Luke told the story of one of her clients who tolerated an abusive relationship until her children were 18 years old. "Why? Because she lived in Cupertino, California, [which] has very highly rated schools. ... She stayed for 18 years.

"The main thing for me," Luke said, "is letting people know there is help available in your language and your community. They need to know there are people in the neighborhood who understand and that we have advocates that can help. ... We understand. I've been asked, 'Where did this start?' It is rooted in a culture all over the world, and it is the culture of patriarchy. It cuts across the whole world and it cuts across all cultures."

AACI volunteer Namhee Lim was pulled into the world of abused, undocumented women by an incident that shocked her to her bones.

"I didn't think such things happened in my world, in my church," Lim said. "A woman was murdered right in front of her children. The community learned the mother was being abused but never told anyone, and [she was] afraid to get help, as she believed she would be deported."

The incident shocked Lim's small, close-knit Korean community in San Jose, Calif. Members flocked around the children, who were left without parents—their father went to prison after murdering their mother. Lim stepped up to be an interpreter, bridging the divide between family in Korea and law enforcement in the U.S. Ultimately, the children returned to Korea.

Not all of AACI's volunteers are Asian women. Many new victims don't expect to see Robert Brewer, a muscular African-American man, welcome them to the shelter. Brewer knows that, and he goes out of his way to help the women feel comfortable with him, particularly the undocumented immigrant women. "They see me as another threat at first," he explained. It helps that the staff is there to show women that Brewer is a valued member of the agency.

Brewer first volunteered at a domestic violence shelter because of a personal experience.

"My father abused my mother horribly, and I was not able to help her," he said. "I joined the Army just to get out of the house. But I realized I could save money in the military, so when I had enough, I got her moved away from him."

Back then, in the 1980s, there weren't the laws or support systems that there are now.

“I used to donate to domestic violence agencies,” Brewer said. “But then, when I . . . couldn’t afford to send money, I decided to see if I could volunteer. Domestic violence issues are very important to me. I feel obligated to help other women get out of that situation.”

’I Dare to Air’

HaNhi Tran, a community-based prosecutor and deputy district attorney for Santa Clara County, works on bridging the gap between law enforcement and immigrant communities. One of her endeavors has been to encourage more domestic violence victims to report. Tran speaks on a local Vietnamese radio station to raise awareness about the issue and has developed an art installation that will be on display in various places in the community.

The traveling installation, titled “I Dare to Air,” consists of storyboards highlighting the struggles and triumphs of local domestic violence survivors from diverse ethnic backgrounds—Vietnamese, South Asian, Mexican, Cambodian, Chinese, Filipina and Korean. These survivors’ experiences will be shared alongside traditional dresses from these countries.

The project is a collaboration between many local agencies working to reduce domestic violence.

“Domestic violence occurs across all walks of life, including in our immigrant communities,” Tran said. “In some families, the notion to ‘not air our dirty laundry’ is still very powerful. We hope that by highlighting the experiences of survivors who have been willing to speak out, this will encourage other victims to do the same.”