

## **Legal Assistance for Hispanic Victims of Domestic Violence**

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"In the United States today, women and children constitute approximately two-thirds of all legal immigrants. Immigrant women suffer a triple burden of discrimination based on their sex, race, and immigration status. Increasing evidence indicates that there are large numbers of immigrant women trapped and isolated in violent relationships, afraid to turn to anyone for help." (Family Violence Prevention Fund, 1999)

FACT: According to the U.S. Census Bureau, Hispanics are the fastest-growing ethnic group in this country. Between the years of 1990 and 2000 the Hispanic population grew by 58%, representing approximately 33 million persons nationwide and 35,000 persons in Kentucky.

Violence against women is rooted in the abuser's need for power and control. While domestic violence knows no ethnic boundaries, a study by Sorenson (1996) revealed that Hispanic women are at a greater risk for being abused by a partner than non-Hispanic American women, a fact that may be attributed in part to Hispanics' patriarchal family structure, cultural expectations for women, religious beliefs regarding divorce, and the lack of access to financial resources and adequate legal protection.

Until recently, few laws existed to protect the children and spouses of Hispanic Legal Permanent Residents (LPRs) from deportation upon leaving their partner, therefore many immigrant spouses and children remained with their partners despite abusive conditions. The Violence Against Women Act (VAWA), updated in October, 2000, helps break this dependency upon the abusive LPR by giving battered immigrant women the right to self-petition for LPR status without involving her partner in the process. It enables them to obtain a suspension of deportation if they are involved in deportation proceedings. Women of deported or deceased LPR partners are also eligible for protection under VAWA.

In addition to granting the right to self-petition by immigrant victims of domestic violence, VAWA has created two new visa categories, the "T" and the "U" Visas. The "T" Visa grants legal status for up to 5,000 persons per year who are victims of trafficking, including sex- or labor-related exploitation. The "U" Visa offers legal status for up to 10,000 persons per year who are the victims of crimes such as domestic violence, incest, unlawful restraint, rape, or torture, and who cooperate with the investigation of the perpetrator. Both of these visas give the victim and certain family members non-immigrant status, including work authorization.

Despite the new provisions available to assist immigrant victims of domestic violence through VAWA many eligible women fail to take advantage of these policies. Immigrant women are often accustomed to a legal system that fails to recognize the rights of domestic violence victims and their children. This distrust and lack of information about the U.S. legal system may be further complicated by suppressive language barriers. In such cases, compassionate, informed treatment by agencies and victims' advocates is crucial in helping immigrant survivors of abuse and their children obtain access to the services they need in order to escape the violence and experience life anew in America.

### References

Family Violence Prevention Fund. (1999). Battered immigrant women. Retrieved from the World Wide Web:<http://www.fvpf.org/immigration/index.html>

Sorenson, Susan B. (1996). Violence against women: examining ethnic differences and commonalities. Journal of Immigrant Health. 20 (2) : 123\_145.