

Public Policy – Immigrant & Refugee Women

Women and children constitute approximately two-thirds of all legal immigrants in the United States. Because of their gender, race, and immigration status, they suffer a triple burden of discrimination. Increasing evidence indicates that there are large numbers of immigrant women trapped in violent relationships. They may not be able to leave an abusive relationship because of immigration laws, language barriers, social isolation, and lack of financial resources.

Under the Immigration and Nationality Act, U.S. citizens and permanent residents can, but are not required to, file relative visa petitions so their spouses can obtain legal permanent residency through the marriage and legally reside in the U.S. Citizen and resident spouses choose when and whether to file visa petitions, and they can revoke those petitions at any time prior to the issuance of permanent residency to their spouse.

Risk of Deportation

The power to keep a spouse at permanent risk of deportation provides batterers who are citizens and legal permanent residents with a coercive tool that keeps abused immigrant women and family members in violent relationships. Many of these women live fearing for their lives because their abusive partners threaten them and their children with deportation if they seek assistance from the police or report their abusive behavior. For example, if a woman tries to run away to a domestic violence shelter, the abusive partner may go to the immigration authorities to withdraw his petition for her documentation and have her deported instead. In this way, he also escapes being prosecuted for criminal offenses related to the physical abuse of his wife.

Seeking Solutions

The FVPP has collaborated closely with other national immigrant rights, women's rights, and domestic violence organizations, including, Advanced Special Immigrant Survivors Technical Assistance (ASISTA), and Legal Momentum, among others, to educate policy makers on the immigration laws that foster these situations. This type of collaboration was key to cementing a commitment from other groups to take up the interests of battered immigrant women. As a result, the Violence Against Women Act (VAWA) was passed to provide relief to battered immigrant women.

Self-Petitioning

The FVPP has continued to be an active partner in efforts to restore protections originally provided to abused immigrant spouses in the Violence Against Women Act, when it became law in 1994. The original statute protected battered immigrant women married to a citizen or resident abuser by allowing them to self-petition, or file their own applications for permanent residency, and allowed divorced battered immigrants to seek permanent residency through a process now called "cancellation of removal." These protections were weakened, if not gutted, by the subsequent changes to immigration law in 1996. However, the Violence Against Women Act of 2000 strengthened the law by improving battered immigrant women's ability to self-petition to remain in the United States and suspend deportation proceedings.