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LOYOLA UNIVERSITY CHICAGO

DOMESTIC VIOLENCE AND THE LEGAL SYSTEM:  
A CASE STUDY OF 10 MEXICAN WOMEN AND THE PROCESS OF SEEKING  
LEGAL RECOURSE

A THESIS SUBMITTED TO  
THE FACULTY OF THE GRADUATE SCHOOL  
IN CANDIDACY FOR THE DEGREE OF  
MASTER OF ARTS

PROGRAM IN SOCIOLOGY

BY  
MARTHA C. ESPINOSA

CHICAGO, IL

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## ABSTRACT

This study explores the experiences of ten Mexican women currently receiving services with Safe Pathways, a non-profit organization dedicated to providing resources to survivors of domestic violence. In this study, I attend to how these women experience and negotiate gender, intimate relationships, and the legal system, and I explore the strategies that they develop to overcome gendered constraints associated with being undocumented and battered. I find that women's experiences with the legal system are shaped by a variety of factors outside of its auspices, including gendered norms and class constraints. Existing literature on Latinas and battered women in the legal system has mostly focused on improving cultural resources; my findings complement this literature by showing that broader, non-institutional factors must also be addressed to achieve greater parity in and outside of U.S. institutions.

## CHAPTER ONE

### INTRODUCTION

Domestic violence is a serious social problem that transcends racial, ethnic, socioeconomic, and gender boundaries. It is estimated that 1 in every 4 women will experience domestic violence in her life time (Tjaden & Thoennes 2000); in the United States that amounts to approximately 6.9 million women a year (Centers for Disease Control and Prevention 2010). Yet, despite its high occurrence rates, domestic violence remains one of the most chronically underreported crimes (U.S. Department of Justice 2003). In this study, I explore how and why one group of self-identified Mexican women in Chicago have made the decision to pursue legal remedies in the face of intimate partner violence, and I examine the effectiveness of those remedies in helping women pursue safety and self-sufficiency without their abusive partners.

#### **About the Study**

The purpose of this study is to develop an understanding of the multiple contexts (social, cultural, economic, structural, etc.) in the lives of ten Mexican women, with varying immigration statuses, who are seeking legal recourse. Context is important in understanding their personal experiences, in evaluating the prevalence of domestic violence, and also in identifying the challenges they face when seeking legal recourse. I explore how these women experience and negotiate gender, intimate relationships, the legal system, and I examine the strategies they develop to overcome the constraints



associated with being battered. Finally, I explore the role of immigration status as it affected each of their lives.

### **Theoretical Framework**

My fundamental goal is to understand and shed light on the lives and experiences of women seeking legal recourse. In order to achieve this goal, I focus on the varying contexts at play. Kimberly Crenshaw's theory of intersectionality (1989) is particularly useful as an analytical tool through which we can understand not only multiple forms of oppression but also how systems of oppression intersect and affect women differently. According to the theory of intersectionality, social and cultural categories such as legal status, race, class, gender, and marital status interact at multiple levels and do not exist in isolation; rather their intersections simultaneously contribute to systematic inequality. Only by addressing the various factors that shape women's experiences with the legal system including those outside and inside of its auspices can we begin to achieve greater parity for them in and outside of U.S. institutions.

### **Research Questions**

- (1) What are the challenges faced by Mexican women in the United States when seeking legal recourse for domestic violence?
- (2) How are their experiences defined culturally (gender norms, family etc.) and socially (organizational challenges, immigration status)? Specifically, how do these women define and conceptualize the relationship between their gender, their intimate relationships, and the legal system?

- (3) What are the strategies and resources these women employ in the process of seeking/obtaining a legal remedy?

### **Definition of Terms**

#### **Domestic Violence**

The Illinois Department of Human Services (2011) states that:

Domestic Violence happens in families or close relationships when one person tries to control the other person by: physical abuse such as hitting, kicking, choking, burning or shoving; verbal abuse such as name calling, yelling, blaming, insults; sexual abuse such as rape or attempted rape, unwanted sexual touching, unsafe sex or refusal to use birth control; emotional abuse such as isolation, intimidation, possessiveness, manipulation; property or economic abuse such as destroying property, hurting pets, taking money.

For the purposes of this study I employ this definition of domestic violence because it defines domestic violence within a state and criminal context as it pertains to Illinois and orders of protection.

#### **Legal Remedies**

Legal remedies encompass various forms of legal recourse, this study specifically addresses the following: Orders of Protection, Violence Against Women Act (VAWA), U Visas and divorce. These remedies are extremely important because they are available to women regardless of legal status. VAWA and U Visas are unique in that they provide undocumented victims of domestic violence a path to obtaining legal status.

An order of protection is a legal action created under the Illinois Domestic Violence Act, which was passed in 1982. It is a written order granted by a judge that “requires an abusive household or family member to stop any further abuse and/or

prevents the abuser from entering the shared home for a period of time” (Office of the Clerk 2011). Orders of protection are the most common form of legal support available to victims. The Chicago Police Department estimates that on any given day there are more than 12,000 active orders of protection in Cook County (Chicago Department of Family and Support Services 2011).

The Violence Against Women Act passed by congress in 1994 "marked a historic step forward in the nation's response to sexual assault, domestic violence, stalking, and other forms of violence against women" (United States Department of Justice 2012). Since 1994 VAWA has been reauthorized several times, most recently on March 7, 2013. VAWA became the first comprehensive legislative act to investigate and prosecute domestic violence, subsequently changing the legal landscape by creating criminal and civil enforcement to hold perpetrators accountable and to offer victims protection and justice (United States Department of Justice 2012). One of the most notable and controversial protections of the law came in its 2000 reauthorization, which included protections for battered immigrants. The VAWA self-petition allowed for abused immigrant women to legalize their status without having to depend on their abusive U.S. citizen or legal permanent resident spouses.

U Visas became effective on October 17, 2007, giving unauthorized victims of certain crimes conditional legal status and work eligibility in the United States. The U Visa was created for the purpose of protecting immigrant victims of crime in exchange for their collaboration with law enforcement. One of the statutory eligibility requirements of the U Visa is that the crime must have occurred in the United States or in a U.S.

territory and must have violated U.S. law; domestic violence is one of the qualifying criminal activities. At the time of filing a U Visa application, the applicant must provide information on how he/she has or can assist government officials in the prosecution of the crime and must also prove that he/she suffered substantial physical or mental abuse as a result of the criminal activity. U Visas and VAWA both grant permanent residency to immigrant victims of abuse pending they meet the statutory eligibility requirements.

### **Language Variability**

The research literature varies greatly in terminology when it comes to using and defining terms such as: domestic violence, intimate partner violence, Hispanic/s, Latino/s, and Latina/s. In the case of distinguishing between domestic and intimate partner violence, researchers use them interchangeably. Both definitions, however, refer to the physical, sexual and or psychological harm caused by a current or former intimate partner. Historically, domestic violence was the most prevalent term used. However, most recent literature uses the term “intimate partner violence” to connote the abuse done by an intimate partner that does not always have to occur within the confines of a domestic relationship. As for the term Latina/s it also varies in usage and definitions. One of the definitions of Latina/s is any woman born or with ancestors from Mexico, Central America, South America and the Caribbean (Klevens 2007). Gutierrez et. al. (2000) also define Latina/s to include “new immigrants, descendants of immigrants, citizens, residents and undocumented persons, as well as both English and Spanish speakers. In referencing the existing literature I use the terminology used by the authors. When describing my own study I use the term Mexican as all participants identified themselves

as such despite legal status. Additionally, I use the term domestic violence because it is the terminology research participants understood and were familiar with.

## **Literature Review**

### **Help Seeking Barriers**

Few U.S. studies have explored the plight of Mexican immigrant women who try to seek legal help for domestic violence. In the studies that have been conducted, Mexican women are typically subsumed as part of a larger group, Latinas. Researchers conclude that immigrant women are the least likely to seek legal help (Erez et al. 2009; Runner, Yoshilhama, & Novick 2009). There are multiple reasons for this. Rizo and Macy (2011) find that language proficiency, fear of deportation and the lack of informal support of family and friends obstructed women's willingness to seek help. In her study of Latinas and domestic violence, Acevedo (2000; 243) finds that the attitudes of women towards abuse and help-seeking "were influenced more by cultural factors, (e.g., gender-role expectations, and familialism) than by psycho-social stressors (e.g., immigrant status, financial dependency)". Furthermore, there are personal barriers that women experience such as high levels of commitment, love, or the hope that their abusive situation will improve (Davis 2002). These personal barriers often prevent women from ending a relationship with an abusive partner or seeking help through social services or the criminal justice system. There are also cultural beliefs that forbid women to seek help outside of the family, and practices that inhibit women from attending school or finding employment (Abraham 2000; Bhuyan et al. 2005; Sullivan et al. 2005). Understanding

the effects of cultural and social expectations on women in patriarchal societies where gender inequality is present is essential (Meyers & Post 2006).

### **Family and Cultural Barriers**

Women seek assistance in various ways, some women seek out formal support through agencies and or the law: Other women rely on the support of family and friends. Having the support from family is critical to many women and often serves as a protective factor (Rodriguez et al. 2010). On the other hand for many women disclosing their personal problems and “intimate issues” is viewed negatively and is often seen as shameful (Vidales 2010). This variation in the Latino community does have an impact on the informal family support available to women blurring the lines between the couple and the rest of the family (Sharma 2001) and as result women may often feel pressured to remain in the relationship (Postmus et al. 2014). Subsequently, the maintenance of the family unit is prioritized over the wellbeing of the woman herself. Many Latinas grapple with shaming the family by expressing relationship dissatisfaction and fear their families would not be supportive and would instead blame them and encourage them to remain in the abusive relationship (Kasturirangan & Nutt-Williams 2003; Klevens 2007).

Additionally, initiating legal intervention is often an intimidating and difficult experience for Latinas who may be unaware of their rights and fear the consequences that legal action may provoke (Zambrano 1985). In their study of Latinas, Cuevas and Sabina (2010) found that women were hesitant to disclose to formal sources, with only 20% seeking any type of formal help, 58% percent of the Latinas in the same study disclosed to informal sources including family, friends and neighbors.

## **Immigration and Domestic Violence**

The vulnerability of immigrant women can be compounded by undocumented status, especially for women, who depend on their male partner for immigration status (Erez 2000; Mejivar and Salcido 2002). Under such circumstances, men often use a woman's lack of knowledge, dependency, and illegal status as a weapon to threaten and demand compliance (Erez 2010). Batterers use tactics to isolate victims such as prohibiting them from learning the language, and limiting their involvement in school, work, or with family (Erez et al. 2009; Dziegielewski, Campbell & Turnage 2005). Ultimately, many immigrant women who are abused are further disempowered via the state through immigration policy. In their study of undocumented-immigrant battered women in Arizona, Salcido and Adelman (2004) trace the ways in which "battering contributes to illegality and how immigration policies [in-turn] contribute to men's battering" (p.162). The fear of their abuser for these women is greater than their own rights; central to their experiences is their simultaneous struggle around being "illegal" and battered.

Undocumented-immigrant women come to the United States for various reasons; many come seeking advancement, family reunification, and often their own physical security and that of their children (Salcido and Adelman 2004). One study of 137 battered immigrant women from 35 countries found that 41 percent of the women interviewed, immigrated to work and improve their economic status, and another 34 percent followed their spouses (Erez et al. 2009). Economic dependency is one of the most cited reasons for abused women to stay and or return to the abusive relationship (Mathews 2004;

Wettersten et al. 2004; Repucci, Woolard & Fried 1999; Rothman et al. 2007; Bornstein 2006). Historically, Latinas have had limited opportunities to immigrate legally due to the long-standing practice of recruiting immigrant men for work. The Bracero program, which granted temporary work permits for mostly farm-working men, was established to help offset wartime labor shortages during the mid-20<sup>th</sup> century (Alvarez 1995; Heyman 1998). Many of the Braceros stayed in the United States, legalizing under an amnesty of 1986 or staying permanently without lawful status. Those who stayed began creating social networks that in turn helped migrant workers access established communities of undocumented laborers (Menjivar 2000). Conclusively, women have tended to migrate either through family reunification programs that increase their dependency on documented spouses, or undocumented.

In 1965, the Immigration and Nationality Act permitted family reunification, allowing immigrants to sponsor immediate family members (De Genova 2002). This shift in immigration law helped to offset the predominantly male dominated migration patterns that had been in effect, by allowing lawfully resident men to petition for their spouses. Family reunification as a form of legal immigration intensified the need for women to rely on their sponsor (Hondagneu-Sotelo 1994). For battered immigrant women, this has meant relying on their abusers. Once in this country, immigrant women faced conditions that increased their vulnerability, including language barriers, isolation, immigration status, and heteropatriarchal values (Bauer et al. 2000; Keller and Brennan 2007; Sullivan et al. 2005). These conditions further contributed to immigrant women's struggles with the dualities of being illegal and battered, and navigating legality (advocating for their



rights free of abuse) and illegality (their immigrant status) (Salcido and Adelman 2004). As such, these women occupy a unique position defined by their immigrant status (Erez et al. 2009). Using intersectionality (Crenshaw 1991) as the theoretical framework for their study of immigrant women, Erez et al., found that immigrant status placed women in a unique racial location within the social hierarchy (2009). Unauthorized women occupied a “lesser” status within the social hierarchy because, “immigrant women arrive with disadvantages in social status and basic human capital resources relative to immigrant men” (Bui & Morash 1999:774). In coming to the United States, women did not have access to establish networks the way men had been doing so through the benefit of long-standing labor migration patterns.

Thus, U.S. immigration policies have helped to create racialized and gendered migration patterns that have had grave consequences for immigrant women. Their gendered vulnerability has racialized nuances. The United States offers visas to people deemed politically and economically valuable. Highly educated South Asian immigrants are the desired “model minority” whereas Mexican immigrants are at the bottom of this racialized hierarchy and are equated with cheap labor (Salcido and Adelman 2004; Chavira-Prado 1992). These negative political and cultural associations have an effect on a victim’s willingness to expose “what may be considered intracommunal dirty laundry” (Salcido and Adelman 2004:165).

## **Methodology**

### **Overview**

This study was approved by the Internal Review Board on February 25, 2014.

The data for this study are derived from qualitative interviews with ten Mexican women with varying immigration statuses obtaining services at Safe Pathways, a nonprofit agency dedicated to providing resources to women and children affected by domestic violence for over two decades. Safe Pathways offers prevention and education programs in addition to individual and group counseling. It is located in a predominantly Mexican neighborhood in a large metropolitan city in the Midwest. Group therapy for women is held on Thursday evenings and Saturday mornings in order to accommodate for the working needs of its participants. On these days, women are able to also take advantage of daycare provided for their children for the duration of the group session. Safe Pathways is staffed by one adult counselor who conducts both group and individual sessions.

### **Sample Population and Participants**

Recruitment of research participants was facilitated by my three year involvement as a volunteer with Safe Pathways. This was a convenience sample, and at the time of the study I benefited from the trust I had developed with the staff and some of the participants who were familiar with my involvement in the organization. Building trust both with the organization, as well as with the participants, was crucial to my study due to the sensitive nature of the questions.

I presented my study to prospective participants before the start of group counseling sessions. During the presentation a brief overview of the study, its purpose, and a description of how the study would be conducted was provided. Pamphlets were distributed to participants with my information and a brief summary of the study as a way

to make my information available should they want to contact me on their own time or provide the information to someone else who could be interested.

Prospective participants were encouraged to seek me directly in order to establish a time and date to conduct the interview. They were given the option of being interviewed on Thursdays before or during the scheduled group session which was between the hours of 5 and 8 pm. Prospective participants also had the option of setting up interviews on Saturday's between 9am and 1pm. These specific time slots were chosen in order to accommodate participants who have children as daycare would be provided due to group sessions being available on those days. Having afternoon hours or morning hours was not suitable for this sample population as most women took advantage of working during the day as their children were in school. During the afternoons they would have their children and without the availability of day care women had nowhere to leave their children. As a precautionary measure, there was always a staff member of Safe Pathways on the premises as interviews were being conducted. This measure was taken to ensure the wellbeing of research participants in case emotional support and intervention was requested or needed.

The sample group for this study consisted of ten women who identified as Mexican and who, at the time of the study, were receiving services at Safe Pathways. The women varied in ages from 29-64 and all had children. Out of the ten women, two are U.S. citizens, one by birth and the other through naturalization. Three women obtained U Visas, and nine out of the ten obtained orders of protection, some Emergency Orders valid for one month, and others that lasted anywhere from two months to two

years. The interviews were conducted in their language of preference. All of the women in the study were employed. The marital status of the women varied, as some were married though living separately from their partners, one woman was divorced, another was in divorce proceedings, and two never married.

### **Procedure**

All interviews were directed by me; they lasted an average of 45 minutes, were audiotaped, and were conducted at Safe Pathways as it was a safe environment the participants were already familiar with. Interviewees were given the option to have the interview in either English or Spanish, all but one of the interviews were in Spanish. All interviews were transcribed in Spanish and then translated into English.

Interviews were semi-structured, which allowed me to obtain rich narratives of the challenges and experiences of women who were actively engaging or had engaged with the legal system as a means to obtain safety and protection from their abuser. The study involved asking questions regarding the legal recourse/s sought, the process of seeking legal recourse, and feelings about the processes and the result of the process. Most importantly, I was able to record the ways in which these women continuously strategized both socially and legally to protect themselves and their families. It was through this process of constant negotiation that the variety of things going on in these women's lives becomes apparent. During the interviews, some of the themes that repeatedly arose included, educational history, family history, socioeconomic status, culture, rape and immigration status.

### **Summary**

In this chapter I introduced the research questions guiding this study and the theoretical framework of intersectionality through which the findings will be analyzed. I have provided key definitions and clarification on the language variability across the literature followed by a literature review. Lastly, the methodology appropriated for this study was discussed.

## CHAPTER TWO

### ENGAGING WITH THE LEGAL SYSTEM

#### **Overview**

Oftentimes the expectation of victims of domestic violence is to leave the abusive relationship. Emerging research on help-seeking behaviors and barriers shows that Hispanic survivors are not only less likely to report abuse but also less likely to use services in comparison to other racial/ethnic groups (Lipsky 2006). No two stories of domestic violence are the same, understanding the similarities, differences and challenges is important in order to understand why it is survivors are less likely to report the abuse. Using qualitative interviews was imperative to capturing the unique circumstances and contexts in the lives of each of the ten women who make up this study. Their stories demonstrate the intersections of their various identities including, gender, race, class, legal and marital status. Most importantly, their stories capture the complexity of their experience as survivors of domestic violence and the challenges that they faced when seeking legal recourse.

This chapter begins with first addressing the factors and motivations behind a woman's decision to not only leave an abusive relationship but also seek formal support via legal recourse. I also discuss the role of legal status. In the second section the various forms of legal recourse sought are presented and discussed. It is important to understand that in their trajectory to obtain legal recourse there is a lot of overlap and varying

degrees of difficulty experienced. The data is presented in a way that is easy for the reader to understand by organizing the subsections by legal recourse and providing background information on what each of them is and how each is obtained. I then draw on the experiences of the participants and relate my findings to existing research.

Simultaneously, I provide analysis using the theory of intersectionality. I end the chapter with a summary highlighting the importance of data collected and the need for the evaluation of the resources available to women.

### **Expectations of Violence/Motivations for Leaving**

The expectation on the victim to act is problematic as it shifts all of the responsibility on the victim, without first acknowledging the factors prohibiting them from doing so. This expectation was quickly dismantled by Rosa, the Program Director of Safe Pathways. As we sat in her office, Rosa shared her experience and frustration working in the field of domestic violence as a counselor and program director for over 20 years. Rosa conducts trainings through which she educates members on not only understanding the vulnerable position victims of domestic violence are often in but also on how to effectively help them. In order to drive this point she performs the following activity which she does in all her trainings:

Every time I do training, I have participants take three pieces of paper, and then I ask them to choose the things that are most important to them and write one on each piece of paper. Once they have done that I ask them to begin to get rid of one of them, to choose what they would lose and what they would keep. Sometimes people refuse get rid of the things that matter to them, and I tell them, 'you have to', and they can't choose between their family and their pets. This is when I tell them that these are the challenges the women they are supposed to help face every day, as these women have to choose between their life, their kids, pets, their house. Some of these women have more than one child; different shelters have

different regulations such as age restrictions for boys and older children. I tell them 'as a mother you have to think if you are going to leave your child behind, or you look for other alternatives, and it is never easy... Women who seek services are thinking about more things than just ending the abuse, and obtaining orders of protection... they are thinking about divorce, child custody, child support, and they are having to deal with children's court, family court, forming parental agreements outside of marriage. They are often more afraid of their abuser than they are concerned with their own rights.

Key to Rosa's training is highlighting the multiple things women have to think about before they even make a decision to leave and also what they have to deal with once they have taken the first step.

### **The Last Straw**

Research finds that Hispanic survivors of domestic violence are more tolerant of abuse (Torres 1991), they stay in abusive relationships longer by 10 years or more (Krishnan et al. 2001). For abused women, remaining in the abusive relationship appears safer than abandoning the relationship, a false ideology of safety constructed by their abuser. Abusers threaten the direct safety of the victim, saying that they will either kill or hurt them, their children and oftentimes the abuser even threatens to harm himself (Mathews 2004). Chronic abuse and the severity of the abuse are often drivers for women to begin help-seeking efforts (Macy et al. 2005). Each of the ten women in this study had a myriad of reasons for why they remained in an abusive relationship. The duration of the abuse lasting anywhere from 9 to 36 years. When it came to leaving, all of the women were able to cite one reason: the last straw. For eight of the women the last straw was the moment the abuse escalated to the point when they knew their partners would actually kill them. In two cases the last straw was when children were directly involved.



Carolina, the eldest of the 10 participants, was married to her husband for over 36 years. She traced the start of her husband's abusive behavior to their wedding day. She recalls the day with a sense of naiveté, for believing that the man she had married would be different. But on that day, her husband made her leave their wedding reception because a wedding guest had invited her to dance. For the next 36 years of her life she recalls with tears the abuse, the jealousy, and the infidelity. Yet, regardless of it all she stayed out of fear and for her children. Until one day in 1998 when she believed her husband would actually kill her as he had threatened her with a gun he had recently purchased. On that day, she managed to leave her home and head to her children's school where she was able to get assistance and was eventually able to secure a shelter for her children and herself.

In seeking help one of the most important factors for all of the ten women was the wellbeing of their children. This supports existing research which finds that the concern for their children is a strong motivator for women when seeking help (Kelly 2009; Sorenson, 1996). In her study of battered immigrant women, Kelly (2009), found that women would do everything they could to keep the abuse hidden in order to prevent others from learning about it, and would only involve outsiders when they or their children were in danger. All of the women in this study had children, and in each case their decision to act was influenced by the wellbeing of their children. In only two cases where children directly implicated in the abuse. In the first case it was a child who was the victim of the abuse, and in the other it was the children who made the call to the police.

Claudia is a 31 year old and mother of four who is presently separated from her abuser but still legally married. Claudia lived with her abuser for 13 years, enduring the physical and emotional violence and hoping that he would never hurt the children. Unfortunately, her fear was realized when she came home from work one evening to find her oldest son crying in a corner with the marks of the abuse fresh across his back. It was then that Claudia realized she could no longer expose her children to the abuse. She said:

I had not called the police before. I decided to act because of what happened that day... I work at night and I came home on a Thursday night. He had shown me his back and it was red and all marked up from having been hit with a belt, it was all because he had shown him [his father, the abuser] his homework and it was in English and he got made because he wanted it in Spanish...Seeing that I knew I couldn't continue allowing this to happen.

Unlike all of the other participants who came to Safe Pathways post abuse and then proceeded to obtain help, Claudia had already been a client of Safe Pathways for a year. She sought out the organization to cope with the abuse and find emotional support. Claudia's partner was actually aware of the fact, when asked about how her partner responded she recalls:

Well he was mad because he said that here they only put ideas in our heads...supposedly so that we wouldn't let ourselves [be abused], and I don't know what else. For a while he had calmed down, more so when he found out I was coming here, he is jealous and a machista like all others. Once I tricked him and told him I was leaving, that I was going to seek help to leave. I had some flyers so when I came home he saw them and said "if you were leaving why did you come back?" I told him 'because I had nowhere to go'. And since then he knew I came to ask for help, but he thought I was going to continue to tolerate it. But I didn't, not with what happened with my son.

Attending Safe Pathways was used as a tactic by Claudia to placate her abuser, nevertheless, knowing that she was already involved in seeking help only provided a

temporary stop to the abuse. In regards to the accident, Claudia later explained that she had spent that entire day thinking about how she was going to proceed, whether or not to press charges and what the implications of all that would be. She decided that day to turn to Safe Pathways who then helped her call the police and the Department of Children and Family Services. Had it not been for their support, Claudia said she would have not continued to press charges against her husband and fight for the custody of her children.

In the case of Norma, a 45 year old mother of six, it was actually her children who called the police after witnessing their father hit and yell at her. Having her children call the police marked the beginning of Norma's struggle to rid herself of the abuse. Knowing that her children had made the call served Norma as a motivator to not deal with the abuse any longer or expose her kids to the danger of it all.

### **Challenges in Seeking and Obtaining Legal Recourse**

Survivors employ various strategies to protect themselves. They rely on private tactics such as resisting and placating their partners, they also turn to soliciting formal and informal forms of support (Cattaneo et al. 2007; Liant et al, 2005). Yet at the point of seeking help research reveals there are multiple interlocking barriers Latinas face (Bhuyan & Velangapudi 2013). These barriers include lack of support from family, English proficiency, insufficient language and culturally appropriate services, lack of knowledge of legal rights, inadequate information about resources, and fear of deportation (Kelly 2009; Lewis et al. 2005; Sorenson 1996).

All of the women in this study sought not only the help of organizations and service providers but also the law. They all obtained counseling services from Safe

Pathways and three of the participants sought out other service providers in conjunction with Safe Pathways. The participants that used services from other organizations did so through referrals for services not available at Safe Pathways, including divorce and U Visas. All of them however, referred to Safe Pathways as the primary agency giving them counseling services and guidance through the process of seeking and obtaining legal recourse.

### **Legal Status**

Using intersectionality as a theoretical framework is useful to better understand the different axes of inequality that oppress women and create different outcomes. For immigrant women the lack of legal status places them in a unique social location within a social hierarchy in which they occupy a lesser status (Erez et al., 2009). Further, legal status is a means through which the abuser could reassert his power over the victim, threatening to call immigration to have them deported (Bauer et al. 2000; Gondolf et al. 1988) Fear of deportation keeps women not only from leaving the relationship but also from seeking any form of support (Cattaneo et al. 2007; Crandall et al. 2005; Liang et al. 2005; Acevedo 2000; Bauer et al. 2000).

Only two of this study's participants had legal status, Carolina obtained citizenship through naturalization and Margarita is a citizen by birth. The remaining eight participants all entered the country undocumented and have been in the United States for over 10 years. For these women their undocumented status made them vulnerable to their abusers who would threaten to call immigration on them if they ever contacted the police or if they ever left. Marisol recalls the irony in her ex-husband's threats as she stated:

I can't believe I didn't call the police. I was ashamed, and I would stay quiet. He would tell me he would call immigration. But now I think about it and I realize he was never going to because he too is undocumented. I was just scared.

Even though all of the eight women were threatened by their partners about their legal status, none of their partners ever did call the police and or immigration on them.

Research on immigrant women and the role of legal status and domestic violence has shown that women are not only threatened by their partners but also dependent on them in cases in which their spouses have filed an immigration petition for them (Salcido and Adelman 2004). However, this was not the case for any of the undocumented women in this study as all of their partners were also residing undocumented in the country. Legal status played a vital role in the lives of eight of the participants. At the individual level, it was a source of fear in leaving their relationship. Socially, it impacted their employment opportunities and also the type of legal recourse they could procure. Because legal status impacted women's experiences at various levels I discuss the relevance and importance of status throughout the next chapters. I highlight how legal status not only operated as a barrier for eight of the women but also how it operated on the lives of those who did have legal status.

### **Orders of Protection**

The most common legal remedy sought was an order of protection, with nine of the ten participants obtaining one, this was followed by U Visas and divorce. An order of protection can be obtained by any victim, regardless of their immigration status, and must be filed in civil court and or criminal court (unlike U Visas and VAWA's, which must be filed with United States Citizenship and Immigration Services (USCIS)). Orders of

protection were the most sought out legal recourse because it is the only one that could be obtained on an immediate basis. Emergency orders of protection could be granted on the same day a petition is made. Therefore, for a woman in eminent danger an order of protection is the most beneficial. Orders of protection vary in time and type, they can be civil and criminal and they can last a month (Emergency Orders) or they can be granted for up to two years. Of the nine women who sought orders of protection only three did so a single time and pursued no other legal recourse. In the case of these three women having the single order of protection was enough for the abuse to end. The remaining six participants obtained multiple orders of protection and sought out additional legal recourse including divorce and U visas, these cases are discussed in further detail in subsequent sections.

Even though an order of protection can be the fastest form of legal recourse it is still an exhaustive process. The process requires planning and dedication by the petitioner. All of the nine women who obtained orders of protection underwent the same process on the day they obtained the order. This means that all of them were subject to attend court in order to file the proper documentation and wait to be seen by the judge in order to be granted an order. Therefore, all of the participants had to make the time to go to court often showing up as early as 8:00 am. Some of the women spent the entire day at court due to long waiting times for either assistance in filling out the paper work or often waiting for the availability of a judge to hear their case. All of the women did have the help of a court advocate from either the court or through an organization such as Safe Pathways helping them through the process.

Norma obtained three different orders of protection each for a period of two years. She obtained the first order of protection after her children called the police when her partner (also the father of four of her children) had beat her. Norma followed through and pressed charges. This meant that after filing an official police report Norma then went to the circuit court to file for an order of protection which she was granted on that same day. Since Norma and her partner continued having problems the orders were extended and on each time she had to undergo the same process of attending court and applying. In total Norma had orders of protection for over six years. During these six years Norma not only struggled to maintain her distance from the abuser but she was furthered involved in the arduous process of applying for a U Visa, fighting for custody of her children and filing for child support.

### **U Visas**

U Visas were created with the purpose of protecting immigrant victims of crime in exchange for their collaboration with law enforcement. At the time of filing a U Visa application, the applicant must provide information on how he/she has or can assist government officials in the prosecution of the crime and must also submit proof that he/she suffered substantial physical or mental abuse as a result of the criminal activity. The first step to obtaining a U Visa is to apply by filling out the appropriate forms which includes the I-918 Petition for U Non- immigrant status and the I-918 Supplement B application which must be filled out by a Federal, State or local government official. This form is used to certify that the applicant has been or is likely to be helpful in the investigation or prosecution of the crime that occurred in the United States.

U Visas are an extremely important part of this project because it is the one legal recourse that offers an immigration benefit and was sought out by four of the participants making it the second most popular after orders of protection. Unfortunately, there is a lot of misinformation surrounding U Visas. Fear of immigration fraud has been at the forefront of the opposition and has served to mask the reality of the overwhelming number of women who cannot apply because of legal qualifications, eligibility, and the ability to meet and be able to prove the threshold of battery and extreme cruelty (Erez et al. 2009). Further U Visas have a cap so not everyone who applies is able to receive one. Currently, U Visas are capped at 10,000 a number activists have been fighting to increase but to not avail due to opposition of many such as Republican Senator Chuck Grassley who believes that: “We have caps for a reason. The US can’t take everybody who comes to our shores, as much as we would like to...caps are a way to control the flow of people. They are a stop-gap measure against fraud” (Serwer 2012). The opposition’s resistance to immigrant provisions provides a social political context through which we can understand the intersections of “legality and illegality” as it affects immigrant women having to choose between a life of abuse or deportation (Salcido and Adelman 2004).

At the time of the study four women had sought out U Visas and were at different stages of the process, which can last years. This includes the time it takes the applicant to complete the application, the processing time of the application, and the three years it then takes applicants in u-nonimmigrant status (having a u visa) before they can apply for residency. U Visas have long processing times lasting anywhere from six months to over a year. USCIS publishes the processing times for all of their applications, when there are



delays the website displays the filing date of the last case that the office completed before updating the information. As of October 7, 2014 the last cases reviewed were cases filed on December 10, 2013 (USCIS 2014). After applying for a U Visa the applicant must wait for their application to be processed during which they receive work authorization allowing them to work in the United States, if their application is adjudicated they then receive U nonimmigrant status and are eligible to apply for residency after three years pending they meet the eligibility requirements to do so. If there are no visas available because the cap has been reached then applicants who would otherwise have been able to receive a U Visa are placed in deferred action and are eligible for work authorization (USCIS 2014).

In the study three of the four women who procured a U Visa had applied, two of them already had U Visas. The process of applying was a long and arduous one. The two women with U Visas were Norma and Yurizia. They began the process over four years ago. It took each of them over a year to complete the application as they had to gather all of the evidence in order to apply. Both of them had to go to the agency assisting them multiple times to work on their applications. This was incredibly difficult as they had to take time off from work and had to seek the help of others to care for their children as they worked on their applications. One factor that did facilitate the process for each of them was the fact that they had filed police reports helping them meet the U Visa requirement of reporting the crime demonstrating their willingness to continue to work with law enforcement in the prosecution of the crime.

However, in each of their cases when they collaborated with police enforcement they were not doing so as a means to seek an immigration benefit through a U Visa. It was years after the abuse, numerous orders of protection and police reports that they even learned about being qualifying for such benefit. Both Yurizia and Norma were made aware of their eligibility by their adult counselor who then referred them another agency that helped them through the process. Yurizia and Norma benefited from counseling services not only because they were informed of their eligibility but also because counseling served as evidence to meet the U visa requirement of demonstrating they had suffered mental and physical abuse. Because both of them had reported the abuse to the police they were able to obtain records and have the police department certify their I-918 Supplement B application. Obtaining the proper police documentation did not come to Norma without a challenge. She recalled being ignored because none of the police officers spoke Spanish, one of them even laughed at the fact that she did not speak English, telling her, “what would you do if you were in China what language would you speak?” She recalled feeling humiliated and for a few weeks didn’t proceed with wanting to file. Regrettably, this is the experience of many Latinas who seek services as lack of linguistically competent services puts them at a disadvantage allowing for their isolation and revictimization (Sabina et al. 2012; Wrangle et al. 2008).

Before applying for a U visa Norma had already obtained three orders of protection. When asked about the most difficult part of engaging with the legal system before obtaining a U Visa Norma said:

Having so many children, at the time we separated I didn't have a job. My situation was very difficult I didn't know how I was going to pay rent. I was at the point of going to a shelter because I didn't know where to live... I was falling behind on my rent. My oldest daughter was 18 and I did not qualify for her to go live with me at a shelter. I felt bad, I said to myself 'what am I going to do?'

At that time Norma ended up looking for a cheaper place to live where she could be with her entire family. She found a job in a restaurant that didn't pay her much but was able to make ends meet with the little money her oldest daughter contributed. Fortunately, with Norma now having a U Visa she has been able to experience stability and mobility for her family. Because she has work authorization she has a job as a care taker that allows her to provide a better quality of living, something she wouldn't have achieved without the legal and immigration benefits she received. This year Norma will be able to apply for residency and is already working towards saving money in order to be able to afford the cost of the application. Yurizia, already submitted her application for residency and is waiting to receive a decision. The third U Visa applicant, Paola, has only received work authorization and is waiting to receive a U Visa as the cap has already been reached for the year. Paola, is happy to have just received work authorization because she could start applying for jobs and hopes that this will allow her to provide for herself and be economically independent.

Sadly, the fourth participant who sought a U Visa has been unable to apply. Alina has been hoping to obtain a U Visa primarily for the opportunity to find stable employment. Unfortunately, Alina has consulted with over 5 agencies that have all given her mixed hopes on the likelihood of her case ever being approved and has therefore not applied. One organization in particular said they would not take her case because she

failed to press charges against her abuser. Thus unable to meet the statutory requirement of being able to prove that the applicant can provide and be willing to assist legal enforcement on the prosecution of the crime. This is something that, Alina, was opposed to doing out of fear of her abuser and of further harming her children. Alina still feels determined to continue to explore every option and seek every possible source that could help her ameliorate her legal situation. At the time of the interview, Alina mentioned she had already made an appointment with a sixth organization and was hoping that this organization would be the one to take her case and help her file for a U Visa. She also stated that the adversity she has had to face has made her lose fear of her husband and has made her confident in that if he ever tried to be violent against her she would not hesitate to contact the authorities and bring charges against him.

### **Divorce**

Marisol, 29, was the youngest of the participants and unlike all the other women who went to the police and sought legal recourse based on domestic violence, Marisol was too scared to ever call the police. Marisol lived in a different state and instead went to an organization whose services help low-income women obtain divorce. Marisol never made mention of the abuse. In her mind obtaining a divorce was going to be the easiest way to rid herself of the abuse and not have to involve the police. When asked why she never called the police she said she was too scared of her abuser who threatened to take the kids away if she ever did. He would also tell her that if she contacted the authorities he would call immigration on her and have her deported. Unfortunately, the process of obtaining the divorce proved to be an extremely lengthy and challenging experience for

her especially since custody of her four children was awarded to her ex-husband. After over 10 courts and two and half years, Marisol was left devastated by the loss of her children. Looking back at the outcome Marisol said the following:

We (Marisol and social worker) never imagined they would give him the kids. It was the hardest thing for me, I felt incompetent. I would ask myself ‘why did I even do this?’, if at the end he ended up taking them. He warned me, he told me “if you want a divorce have it, but I will take the children and we will see if you are happy then”, one can say he stayed true to his word, all just because he had more money.

Feeling defeated by the system through the numerous courts and lengthy process, Marisol also contemplated ending divorce procedures but was advised and comforted by the social worker assisting her, but neither had ever imagined that Marisol would end up losing custody of her children. At the time of the interview, Marisol, had just moved to Chicago where she has family with the hope of finding a job and becoming financially stable in order to prove that she could support her children and fight for their custody. Relying on the help of the social worker and her family Marisol was able to develop a strategy by which to try and get her children back.

Like Alina, Marisol, did not want to bring charges against her husband or ever involve the police which makes her ineligible to apply for a U Visa and therefore she has no other means of obtaining an immigration benefit. Marisol’s undocumented legal status was also a contributing factor on why she sought only divorce, because she feared deportation could be a consequence of contacting the police. This fear was also substantiated by her husband who would threaten her with retaliating against her and calling the police himself if she ever tried to do something against him. In retrospect, she

now realizes how paralyzing the fear of her husband was that she failed to realize how illogical his threats were.

Margarita, 40, was the only interviewee who was born in the United States and received a Bachelor's degree, the highest level of education out of all of the participants. Margarita did not need services in Spanish or financially based help as she was the only participant who considered herself to have a good job and financial stability. Margarita obtained an emergency order of protection and has been in the process of getting a divorce for over two years. Even though Margarita had the highest level of education and legal status, she still found herself extremely frustrated with the legal system. Margarita was denied an extended order of protection although she felt she had met her burden of proof. Reflecting on her experience Margarita felt as though the reason she wasn't able to obtain an extended order was because her attorney was not doing an adequate job in representing her as was her husband's attorney. To this point Margarita said:

One of the things that helped my husband's lawyer was the fact that when I was asked to do the order of protection, or to fill out the papers for the emergency order of protection there is a very small section where is telling you why are you requesting to list your reasons but it is a really small section and what I had documented is a lot of stuff but they never told me that I could get another page or anything like that. So I just fit in the last three things that had happened so then when we had the court for the order of protection his lawyer made a point of that right away that I had mentioned all this stuff or had evidence of other stuff but nowhere was that listed when I requested the order of protection but like I said I never knew that I could request for another sheet to put everything else in there so he was basically, his whole argument was that even though I had mentioned all this other stuff that wasn't part of the basis why I was given the order of protection because it wasn't put on there. According to him I hadn't met my burden of proof because I had mentioned other stuff when I requested the order and now that I was before the judge I was mentioning other stuff that wasn't listed. So according to him I was making stuff up as I went along.

Margarita's story demonstrates how frustrating it can be to seek legal recourse even if you speak the language and can afford legal representation. In comparison to all of the other participants, Margarita was privileged by class, legal status, and education but marginalized as a victim of violence as she had her experiences discredited by doubt.

There were three other women in the study who were married but had been separated from their husbands since they sought legal recourse. When asked if divorce was the next step two of them said they would eventually consider it but did not want to proceed at the time being due to the exhaustive process they thought it would be. For them having received an order of protection was enough to stop the abuse and they simply did not have the energy to engage in the process of having to divorce. They mentioned that eventually they would seek a divorce but not until they were financially and emotionally situated. The third person eligible for divorce, Carolina, mentioned she will not ever file for a divorce. Her reasoning included her age, being 64, and the fact that she believed in being married only to one man. She further stated that all she wanted was for the abuse to stop and she was able to accomplish that without having to obtain a divorce.

### **Family Court/ Custodial Rights**

All of the women in this study continued to maintain contact with their abusers due to their children and the legal rights of the father. What was important for all of the women was having a set schedule, and rules by which their abusive partners would have to abide by, or having supervised visitations. The idea of having such an agreement gave them a sense of security as well as order when it came to the welfare of their children. Especially because all of the women further expressed that their partners always

threatened to take their children as means of retribution for them having sought legal recourse. This was also a fear validated by the fact that like the majority of the women their abusive partner's had no legal status and could try and leave the country with their children. In addition to her feelings about legal representation Margarita also expressed her disappointment with the legal system as the most complicated part of her experience:

The most difficult part is actually the way the legal system is set up, the whole divorce proceedings started back in May and I was served and everything, we went through two judges, had a child representative assigned to the case and two years later there is still no visitation schedule.

Not having a set visitation schedule has been incredibly hard on Margarita, as she has to continue letting her husband see the children without any formality. She has been unable to move or relocate her children to other schools because no formal agreement has been reached.

Another story that demonstrates the simultaneous complexity of seeking legal recourse and overcoming obstacles inside and outside of legal proceedings is that of Claudia. She obtained an emergency order of protection and at the time of the study she had already been in legal proceedings for five months. She attended over seven courts; she described the process as draining and a major strain on her own wellbeing.

I struggled a lot because I work at night during the first days I took my son because he was calm and was quiet, now he is not, eight days ago I did not take him, the other time I did but they kicked us out because he wasn't behaving, now I have to pay for someone to take care of him, I have to pay for the gas and the parking of the person who brings me, and I don't sleep because I work at night from 11:30 PM to 5:30 AM. Courts are early in the morning and I have to get my other kids to school.



The reason why Claudia has been in legal proceedings for so long has to do with the welfare of her children. Since it was her son who was a direct victim of the abuse the Department of Children and Family Services (DCFS) was also called. The courts have been assigned in order to determine custody. In addition to court proceedings, Claudia was also assigned a social worker to assess the living conditions of her and her children. The visitation from the social worker came a month after she had already been in proceedings even though DCFS said it would only be a week from the time they had been contacted. Once the social worker actually showed up a month after it wasn't an official visit because she was not bilingual and could not communicate with Claudia. Claudia then requested to have a Spanish speaking social worker to do the house visit but she did not come until the third month and eventually concluded that the children were better off with Claudia. Claudia has been extremely dedicated and involved during the whole process and has even attended courts where she is not required to be present. When asked about a desired outcome, she said the following:

I am just here following the steps so that they can see that I am interested in my children that I am fighting. That is why I go to courts even when they tell me I don't need to, I go and I want them to see that I am there, so that they don't say that I am not interested in my children, sometimes I do think to myself and say 'I am tired' but then I tell myself 'I have to go'. I still don't know what will happen, I don't see the end, there is still so much, there is so much to come, I imagine we have to cover the kids, if they will be left with me, the divorce, and child support. I expected for this to be resolved already. What if I didn't have money or food this whole time?

Claudia's response highlights the difficulty of her situation but also the practicality of it all. Not only does she have to remain committed and go to court but she has to worry about her children and working. Because she works nights she often gets no sleep when

she has to go to court and or has to prepare her children for school. As it stands Claudia qualifies to apply for a U Visa but she is hesitant to even begin the process because as it is she has no time and is overburdened by the current process of determining what will be the outcome regarding custody of her children, and everything else that is to follow including child support and a divorce.

### **Summary**

The experiences described in this chapter highlight the complexity in the process of seeking services. Despite tremendous amounts of adversity the women in this study showed a resilience that was admirable. Their narratives reveal the challenging problems women face after making the difficult decision to seek help by means of a legal recourse. In the end all of the women had overall positive reflections of the process. They had begun to regain their “self-esteem”, “stability”, “strength”, “freedom”, and “confidence”. Norma described the process as the “beginning of a new life”. Since starting the process of seeking legal recourse and obtaining counseling Margarita has been in the process of finding herself again. Margarita plans to continue her healing process through the process of self-educating and understanding. Unlike the other nine women, Margarita did not benefit from bilingual services or need based none. However, she is very grateful for being able to count on Safe Pathways and the counseling and support with which they have provided her.

These women truly demonstrated how hard they are willing to fight in order to provide a better life for themselves and their children. Therefore it is imperative that efforts be made to continue to support Latinas and women in general by expanding the

resources available to them and a continued evaluation of the services that exist.

Evaluating the cultural relevance and acceptability of resources for minority groups is extremely important as a means to continue educating members of the community on the evolving needs of the group but also because such services were developed originally and mostly by White, middle-class women in order to meet the needs of minority women (Bent-Goodley 2005; Macy et al. 2010). In order to have a comprehensive understanding of the needs of Latina survivors it is imperative that we learn about these women, including their cultural, social and economic backgrounds in both the home and host countries (Silva-Martinez and Murty 2011), all of which are discussed in the next chapter.

## CHAPTER THREE

### IMPEDIMENTS TO WELLBEING

#### **Overview**

In the previous chapter the formal support mechanisms accessed by the women in this study, and the challenges that they faced in doing so were discussed. In this chapter additional barriers women faced, and the effects they had on their overall personal wellbeing are presented. These challenges include negative economic and health effects that resulted from the abuse but were further exacerbated by the process of legal help seeking. Other variables affecting their wellbeing also had a direct effect on both the decision to seek help and the process thereafter were the cultural and social backgrounds of the participants. In considering the social, cultural and economic challenges of the participants it is equally important to understand them not only in the context of legal-help seeking but also as it applies to their backgrounds in both their home and host countries. This is specifically important for nine of the ten participants who immigrated to the United States as they faced specific challenges that were directly impacted by their specific backgrounds, which then affected their decisions to seek help. All of the participants regardless of status identified as Mexican, which for all of them meant that they upheld and were subjected to cultural and social beliefs and norms regardless of being in Mexico or not.

### **Health Challenges**

Domestic violence is a growing public health concern with deleterious effects, it has been linked to increased psychological, medical and social morbidity (Johnson, Zlotnick and Perez 2008). Survivors of domestic violence disproportionately report physical and mental health problems including sleep disturbances, chronic pain, digestive problems (Kass-Bartelmes 2004), suicidal ideation, posttraumatic stress, low self-esteem, and anxiety (Briere & Jordan 2004; Kubany et al. 2003; Robertiello 2006). Research suggests that Hispanic survivors of domestic violence fare worse than other ethnic groups in terms of adverse mental health consequences (Bonomi et al. 2009; Krishnan et al. 2001). In their study of Latinas Fedovsky, Higgins, and Paranjape (2008) found that Latina survivors were 3 times more likely to report having posttraumatic stress disorder. Often, these health repercussions are directly linked to the structural, social, and cultural challenges survivors face. Kelly (2010) found that Latinas who needed shelter for example experienced more severe mental health issues than African American or Anglo-American women. Unfortunately, as presented in greater detail throughout this chapter, all ten women in this study suffered and continue to deal with the effects of domestic violence even post abuse.

All of the interviewees noted that the stress under which they were in during the process of seeking legal recourse and leaving the abuse had severe emotional and physical ramifications. Christina, 34, recalls having heightened levels of stress and continues to live in fear despite being separated from her abusive partner for over a year. She has had two facial paralyses linked to stress and anxiety. Consequently, she has been in counseling and seeing a doctor regularly. Four of participants struggled with

depression and were prescribed medication. Claudia was one of five participants who contemplated suicide. In their study of Hispanic women and domestic violence, Krishnan et al. (2001), found that Hispanic survivors were not only more likely to remain in abusive relationships for periods of over ten years but also had a higher rate of contemplating or attempting suicide than other non-Hispanic survivors.

In Claudia's case she was overwhelmed with having to manage the children, finances and work alone. She had to plan out every hour of her day to accommodate for court proceedings, work and care of her children. In addition, she felt guilty that she did not dedicate herself to her children due to her work schedule. She was worried about their school performance and was certain that like her, the children were negatively affected and would be failing in school as a result of the separation. Research indicates that millions of children are exposed to violence between their parents or adult care takers, with multiple negative effects on children's emotional, psychological, physical and social development (Carter, Weithorn, & Behrman 1999; Fantuzzo & Mohr 1999; Holden, Geffner, & Jouriles 1998; Jaffe, Wolfe, & Wilson 1990; Osofsky, 1999). However, it is also the case that children can also have positive experiences post abuse and can recover. Protective factors, whether they be individual characteristics or environmental conditions, assist youth in counteracting the various risks that they experience (Rutter 1987). This was certainly the case for Claudia's children and is exemplified by the following experience:

I went to school thinking the teachers were going to have the worst news for me, because I honestly did not know how the kids were handling the separation. I didn't have the time to help them with their homework. But when the first teacher told me that my kids were doing better than they

ever had, I couldn't help but cry. I told the teacher I was expecting the worst, but then she told me that often removing the negative stressors at home is good for children. I honestly did not expect for this to happen, before seeing the teachers I had promised to take them out if they did well in school...but I didn't think it would be the case. After the meetings finished my oldest son looked at me and said 'mom can you get us tacos, you promised if we did good you would buy us whatever we wanted'.

Claudia expressed the guilt and shame she felt for expecting the worst of her children, but after that day she promised herself to never contemplate suicide again, to remain strong and continue to do the best for her children. Unfortunately, the journey is not over for Claudia as she continues to be in court proceedings to determine the welfare of her children further contributing to her stress, continuous state of fatigue and an increase in migraines.

All of the ten women in the study also experienced low self-esteem. Gaining their self-confidence and self-worth has been an ongoing process. Fortunately, all of the women stated that seeking help has given them confidence and agency. They all further expressed their gratitude in having counseling and referenced the positive change this has brought on to their lives. Having the support from counseling and other victims gave all ten of the women the strength to continue with the process of seeking help in times of adversity. At the time the study concluded all of the women were still receiving counseling and intended to continue.

### **Economic Hardship**

Economic dependency is one of the most cited reasons why women remain in an abusive relationship (Matthews 2004; Wettersten, et al.2004; Repucci, Woolard & Fried 1999; Rothman et al., 2007; Bornstein 2006). Research also shows that women with low-

income occupations are less likely to terminate the abusive relationships (Woffordt et al.1994), influencing their decisions is the presence of children, availability of alternate housing and access to financial resources beyond job income (Bornstein 2006).

Therefore for a woman to experience economic hardship after leaving the abuse is not uncommon. Especially when their abuser has worked to slowly isolate them, keep them from having a job or allowing them to leave the home as is often the case with Hispanic immigrant women (Abraham 2000; Matthews 2004).

All of the women in the study experienced a greater sense of economic stability during their time living with their partners than they did after their separation. Only four women worked before separating from their partners, for six of the women finding a job after the separation was vital. For women with limited resources, undocumented status and lack of English proficiency, job opportunities available are limited (Abraham 2000). As was the case for women in this study. As a result women struggled to make ends meet, three of the women had to seek alternate living arrangements, including temporarily moving in with friends or downsizing to smaller more affordable places. Alina and her two children resided with a friend for a period of time but was asked to leave due to the fact that Alina's husband would often stop by and cause problems. Alina's friend did not want for her own family to witness or be exposed to Alina's abusive and complicated situation with her partner. Eventually, Alina moved her family into an attic where she could afford to pay her \$500 rent. Sadly, Alina cannot afford much on her waitress salary as she works less than forty hours a week and earns



minimum wage. Alina is undocumented and has been procuring a U Visa but has been unsuccessful.

Claudia, despite her undocumented status, feels lucky that she has a job. The caveat being that she works nights for a cleaning company and makes minimum wage. Since the separation from her husband she has incurred additional costs like paying for someone to stay with her children while she is away at work, for people to drive her to court (paying for their parking and gas). Limited monetary resources and limited mobility (transportation) are barriers that have been found to affect the help-seeking efforts of immigrant women (Dutton et al. 2000; Madaugh et al. 2004), as was the case with Claudia. She also recalls not having enough money to eat at times and is thankful to her friends and Safe Pathways who on different occasions put food in her fridge for her to feed her children. It pains her to be unable to give her children the foods that they would want, or the ability to treat them to ice cream and take them out to the movies, things that she says her children want to do. As stated in the previous chapter, Claudia, is eligible to apply for a U Visa but does not want to apply due to her ongoing case. Claudia, simply does not have the time, nor could she afford to lose her job to seek additional help in filing for a U Visa. She plans to wait until her present case is resolved before proceeding to find help in filing a U Visa.

Though all of the women had children with their abusers only Norma had filed for and received a child-support agreement. Even though the designated amount was minimal, her ex-partner never paid it, always claiming that he was unemployed. Norma knew her partner worked construction and made good money but he was paid under the

table because he was undocumented. Norma even went as far as filing a complaint with child support services but to no avail, as she was told that they did not have the resources to look for him and obligate him to pay. As a result Norma has been without the financial support of her ex-partner since 2005.

Paola, Yurizia, and Norma are three participants who ameliorated their initial economic hardship through the employment benefit of filing for a U Visa. Since obtaining their U Visa's all three women were able to find employment. Norma is incredibly happy with her job situation as a caretaker of an elderly person in the same block in which she resides. Though she states the job could be draining and physically exhausting, it pays her well and gives her the flexibility to care for her children since she can work during the time they are in school and then be able to be with them once they are off. Norma is now in the fourth year of having U Visa status and will soon be able to apply for residency. Norma was lucky to find employment as soon as she had received work authorization and she is grateful to have this opportunity and the employment that is now giving her family the economic stability that she longed for. In the case of all these three women, U Visas significantly enhanced the possibility of economic independence and their possibility of strategizing for safety as they no longer needed to depend on their abusers. Most importantly, U Visas also eliminated their fear of deportation and provide a path to permanent residency.

Carolina, 64, the oldest of the interviewees, did not struggle to find employment due to the fact that she is a naturalized citizen. Nevertheless, she did find herself struggling financially since she had never had formal employment or economic stability

of her own. Even though she had separated from her husband, she continued to reside with him for financial reasons. She expressed that she did not wish to ever obtain a divorce, because all she simply wanted was to obtain peace, which she achieved over a year ago when she was finally able to afford living on her own. Living on her own has been a challenge for her, as this was the first time in her life that she had to manage her finances and pay for her own rent and utilities. Prior to living alone Carolina had no formal work history as her husband prohibited her from working as a means to maintain control over her. Luckily, through her church Carolina was able to obtain employment at the local catholic school affiliated with it. Now, Carolina is experiencing a new form of freedom in being able to control and administer her money as she wishes.

### **Economic Backgrounds of Participants**

Eight of the ten women in the study came to the United States undocumented and arrived without having the advantage of work visa, an established network or financial security outside of what was provided to them through their partners. In addition all eight women indicated economic hardship in Mexico and lack of opportunity as the reason they even came to the United States in the first place. Though this paper does not discuss the long documented history of U.S.-Mexico relations and how the economic and political needs of the two are intertwined through immigration policies, it is important to note that one of the most important dimensions of immigration is economic instability in the country of origin (Bustamente 1983; Chavez 1992).

Claudia who has been living in the United States undocumented for over 12 years recalled with tears in her eyes the economic hardship that brought her and her partner to the United States:

Well we came together because I had a daughter in Mexico, she died and was in the hospital, they charged us so much money. So we came here in order to be able to pay back what we borrowed for the funeral. That was the reason we came here. She died so little, she was only a month and a half, she was my first.

Claudia's economic situation coupled with the death of her daughter became push factors in her decision to immigrate to the United States with her partner.

Though, economic conditions are significant, they are not the only motivation for crossing the border illegally as some women do so as a strategy for securing their safety from a batterer (Arguelles and Rivero 1993). This was the case for one of the women in the study, Yurizia. Yurizia came to the United States alone with all four of her children in order to escape her husband's abuse. Her story is unique, in that not only did she marry at the age of 15 and had 4 children by the age of 21, but she also had a limited education in her home country. Researchers suggest that Hispanic women are at an increased risk of domestic violence because of characteristics shared by this ethnic group that are known to increment the risk of this form of victimization (Rizo and Macy 2011); these characteristics include, low socioeconomic status, unemployment, pregnancy, social isolation, heightened levels of stress, alcohol and drug use (Torres 1991). It was a combination of these characteristics that placed Yurizia in a vulnerable situation and conversely increased the risk of violence. Yurizia, came to the United States to escape her husband's abuse that was further fueled by his alcohol and drug use.

Considering the economic backgrounds of women in their home countries is important because they provide context to their decisions. As demonstrated throughout this study the experiences of women and their decisions are not defined by a single variable, rather their decisions and experiences are shaped by a combination of variables with different effects in different contexts. Economically, these women left their home countries to seek stability, yet, once in their host country many didn't work because of legal status and or as result of control from their abusers. This was not only a major factor affecting their decisions to leave and procuring a legal recourse but also then became a major hardship as they struggled to find work and become financially independent providers for their children.

Unlike the other 9 women who struggled financially, Margarita who was born and educated in the United States considered herself being financially stable and not in need of financial assistance since the separation from her husband. As previously mentioned, economic dependency was a factor affecting a woman's decision to leave but also a hardship once they had left. Though economic dependency did not affect Margarita it did play an important role in her own perception of herself as a victim of domestic violence. Margarita was the only one who referenced her mother's experience as a victim of domestic violence. However, Margarita associated her mom's decision to stay in an abusive relationship as the direct result of her economic dependency as she had never worked and could not financially survive on her own. Therefore, when it came to recognizing the abuse in her own experience Margarita refused to believe that she was a victim because she didn't depend on her husband financially and unlike her mother she

was educated. Education is another factor that is linked to increase economic stability but also in determining whether or not a victim of abuse will return to the relationship.

Women who are educated are less likely than those who are not to return to an abusive partner, with higher education contributing to the presence of social networks (Schutte et al. 1988) which immigrant women lack access to. Yurizia, actually returned with her husband once in the United States, but it wasn't long until he resorted to his previous abusive patterns. Martin (1981) found that the women who were most likely to return to an abusive relationship were those who had less work experience, fewer skills and had been married the longest. This was certainly the case for Yurizia who had been struggling alone financially, and did not see herself ever marrying another man.

### **Familial Support**

Informal help-seeking resources amongst Hispanic survivors usually consist of immediate family and female friends (Brabeck & Guzman 2008; Dutton et al. 2000; Ingram, 2007; Yoshioka et al. 2003), with mothers and sisters being the immediate family members survivors most often turned to for help (Dutton et al. 2000; Zarza & Adler 2008). The overwhelming majority of the women unfortunately lacked familial support. However, the lack of familial support was not in the sense of emotional and moral support in coping with domestic violence but rather the physical presence of family here in the United States. Margarita was the only one who had her entire family here and counted with their support throughout the process of her divorce. She did not tell them of the abuse because of shame and waited until she had initiated legal proceedings. The other three women with family were Christina, Paola and Marisol.

Studies on informal support among Latino families show that on one hand, support from family members is pivotal in seeking help and also serves as a protective factor (Rodriguez et al. 2010) while on the other, sharing intimate issues such as domestic violence can be seen as shameful (Vidales 2010). The women in this study support both findings. For example, Margarita waited until she initiated her divorce to inform her family of the abuse due to shame.

Paola and Marisol are sisters who also have siblings living in the United States and were able to help each other. Paola and Marisol have not only protected each other from their abusers but have also supported each other emotionally, physically and financially throughout the process of seeking legal recourse. The remaining women all have their families in Mexico, and one of them, Carolina, has the legal status to travel in and out of the United States. Eventually, Norma, Yurizia and Paola will have the possibility of obtaining residency through their U Visas.

In leaving their homes in Mexico, six of the participants left behind immediate family, extended family, and their network of friends, leaving them without resources for informal help seeking. Being alone without their families has been incredibly difficult for these women emotionally, but also in that they have no one they could count on. They couldn't turn to their family for emotional, financial or physical help. Alina for example, continues to maintain a close relationship with her parents through ongoing telephone communication. She had not told them of the abuse because she did not want to worry them saying that if she did there would still be nothing they could do other than give her emotional support. She knows that if she had her family here it would all be easier

because they could help her with her children and she wouldn't have to worry about leaving them with strangers or paying for their daycare. It would also free up time for her to find a job and be in better economic standing. This sentiment was also shared by, Claudia and Norma.

Lacking the physical support of family, these women have had to outsource the care of their children, especially during times when they are unable to care for them because of work or as a result of the time invested during the legal proceedings in which they engaged. This has resulted in both an emotional and financial strain for them. Financially, it has been a huge stressor as these women are already working minimum wage jobs and struggling to make ends meet. In addition due to lack of legal status some of them have been unable to secure well-paying stable jobs.

### **Cultural Barriers**

Other barriers affecting Hispanic survivors in their ability to seek help are cultural barriers. These include cultural beliefs centered on family and traditional gender-role expectations (Acevedo 2000; Bauer et al. 2000; Crandall et al. 2005; Kelly 2009; Lewis et al. 2005; Sorenson 1996). The narratives provided by all ten of the women revealed barriers to seeking help at the cultural level. These included traditional and gendered expectations that they experienced since their upbringing and throughout their lives. All of the women were able to at some point in their process of seeking help unravel and make sense of how these cultural, traditional, and gendered expectations shaped their experiences as battered women and influenced their decision to seek legal recourse.



Cultural values placed around marital devotion, self-sacrifice and dedication to children (Bauer et al. 2000; Acevedo 2000; Brabeck and Guzman 2008) are some of the cultural barriers most cited in relation to help seeking. Additional barriers included embarrassment and shame, and fear of being alone (Acevedo 2000; Sorenson 1996). When it came to the preservation of marriage and the family, Alina, Carolina and Margarita shared similar experiences. When their families first found out of a separation they encouraged them to work things out with their partners, to do so for the children. Eventually, their families were able to come around in supporting a separation when they understood that their daughters would have a better life outside of the marriage, rather than continue living in the abusive relationships that the children were subsequently witnessing. Family support is often challenging due to contradictory values in the Latino community (Rizo and Macy 2011). The anchored values of family and close ties with extended family encourage informal support. In their study of Mexican battered women Fawcett et al., (1999) found that participants perceived family and friends as more accessible for support than formal institutions. However, the responses of participants varied as they identified family members and friends as judgmental and blaming, and in such cases turning to informal support can actually have negative effects for battered women. Sharma (2001) explains that even though extended family can be helpful in providing financial assistance and child care, the boundaries between the family and the couple can be difficult to draw and can then increase the pressure for women to stay in abusive relationships.

## **Gendered Expectations**

Other conflicting beliefs that guide the gender expectations of Mexican women and Latinas include machismo and marianismo, these beliefs are also prescribed notions on how women and men are supposed to behave in a relationship (Marss Fuchsel et al. 2012). Machismo relates to the male stereotype of power and control over women, but, it also includes the honor, pride, and the responsibility of the male to the family (Perilla 1999). As such men are taught to be decision makers and to maintain their pride at all costs. In contrast, women are to prescribe to marianismo, to being submissive, and self-sacrificing, behaviors that mirror the suffering of the Virgin Mary (Goldberg-Edelson et al. 2007). Subsequently, mothers are seen as responsible for children rearing and the well-being of the family (Perrilla 1999), they traditionally do not work out of the home, if they do its out of necessity but at the cost of a heightened risk of abuse due to the shift in gender roles and a perceived threat to their partners machismo (Erez et. al 2009). Maintaining the family unit is often placed before the well-being of the women herself, further women are socialized to allow men to make the decisions for them, they are taught to depend on men financially; they often then continue this cycle by raising their daughters the same way (Kasturirangan & Nutt-Williams 2003).

Margarita experienced the rocky relationship between her father and mother, but she considered domestic abuse to be the result of economic dependency. In her eyes, her mother was subjected to the traditional and cultural norms of Mexican women such as, staying home, caring for the children and enduring physical and emotional abusive. She understood that her mother could not leave because she couldn't possibly sustain herself

or her children especially since she had never worked outside of the home. When relating that to her own experience she states that she was “blindsided” and did not recognize being abused because, in her case not only was she financially stable but she was also educated unlike any of her sisters or her mother. Brabek and Guzman (2008) found that tolerance of domestic violence is implicit in Hispanic culture and was reflected in the normalization of abuse and an oppressive state of mind that then impedes women’s help seeking behaviors. She thought she was breaking the cycle that her mother and her sisters had fallen to. Yet, it has been counseling and going through the divorce that has helped her be able to understand that she like her mother and sisters was a victim of physical and emotional abuse even though it manifested differently.

### **Rape and Sexual Abuse**

The most traumatic experience that five of the ten participants shared was being raped and sexually abused by their partners. In processing their emotions, it is evident that rape and sexual abuse compounded ideas of gender, cultural and traditional norms, specifically, the idea that because they were married their bodies belonged to their partners: As such that they could not negate them their bodies. Being forced to have sex was extremely traumatic for all of the women. With tears in their eyes, Carolina, Paola, Yolanda, Claudia and Yurizia recalled the various times their husbands took advantage of them and their inability to defend themselves. They all mentioned telling the men to stop and being unable to escape the situation due to the lack of physical strength as they could not push them off. Instead they had to endure the humiliation and forced intercourse their

abusers imposed on them. Paola has been in therapy for over two years, through tears she shared the following:

One day I was asleep, he came in and he tried to take me by force. When I felt him I tried to fight him off, I pushed him and he hit me, but he left the room. That time nothing happened. But two nights later he came home drunk, when I woke up he was completely on top of me. That is so frustrating, because I felt, I don't know how to explain it. I thought if I told my daughters or anyone they won't believe me, what if they tell me 'well he is your husband', I felt ashamed. It was so hard for me, it took me two years to talk about it... This happened to me three times... The third time I didn't leave the room. I didn't eat... until this day I pray I will forget this feeling, I don't have trust, I feel scared...I feel mad, why do they do this? Just because they are men.

Paola was afraid of sharing her story with others for fear of being judged and not believed, since it was her husband she was talking about. She felt because of that, the rape would be disregarded, because it was her obligation as a woman to be with her husband intimately. Coping with the trauma continues to be an ongoing process for her, she is working on rebuilding trust, "I don't think I could ever trust another man, I know they are not all the same but I just can't forget."

Similarly, Yolanda is working on healing from the sexual abuse she suffered. Yolanda obtained an order of protection based on the fact that after her husband abandoned her to be with another woman, yet, he continued to come by her home demanding to have sexual relations with her. Since she obtained the order of protection abuser has stopped his sexually inappropriate behavior towards her.

None of the women who experienced rape and sexual abuse reported it to the police or sought a healthcare provider because they did not feel they could effectively communicate their experience due to shame and language barriers. Research demonstrates English proficiency as a major barrier to seeking help because not all

agencies are adequately equipped and staffed to offer all services and resorting to the use of interpreters creates an impersonal environment that adds another barrier to seeking help (Acevedo 2000; Bauer et al. 2000; Crandall et al. 2005; Kelly 2009; Sorenson 1996). In addition these women lacked familiarity with knowledge about their rights, and U.S. laws, which is another common barrier preventing them to seek services; this often stems from the lack of such services in their country of origin (Acevedo 2000). All of the women expressed that the gendered beliefs on marriage and their roles as women meant that the rape and sexual abuse had to be tolerated and they did not have the right to refuse their bodies to their partners. Consequently, they didn't see such acts as abuse and a violation of their rights.

The decision to not officially report the abuse for one of the women, Claudia, stemmed from her own experiences with police in her home country. Claudia was not only a victim of rape and sexual abuse at the hands of her husband but was also raped at a young age in Mexico. She reported the abuse but also did everything possible to cooperate with the police. Sadly she described the police responding to her in non-constructive ways by having her retell the rape several times and having her relive the traumatic experience but also one of the officers made sexually indecent comments to her, further victimizing her. Because of her negative experience with police in Mexico, Claudia did not wish to report her abuse here. Distrust of police, and past experiences of formal support members responding in non-constructive ways are additional barriers that keep women from seeking formal support (Lewis et al. 2005; Sorenson 1996).

**Religion**

When asked about how much effect their religion had on them seeking legal recourse the women actually all recalled having positive experiences with their church, and they furthered expressed gratitude as for the majority of them members of their parishes were very helpful in supporting them. In their study of Hispanic subgroups and the difference in help seeking behaviors, West et. al, (1998) found that less acculturated Mexican women were more likely to seek the support of clergy. This was the case especially for Carolina, who recalls the priest from her church being extremely supportive of her decision to leave her husband and protecting herself from the abuse, she recalls her priest telling her the following; “God did not make us to be suffering, he made us to be happy”. Her parish priest even suggested that she get her marriage annulled. However, this is something Carolina does not wish to ever do. Even though, she has been separated from her husband she wants to remain married and does not wish to ever seek a divorce. Getting a divorce for her wouldn’t change anything, she is happy to be living on her own without fear and a new sense of self-worth and strength.

**Summary**

This chapter covered additional barriers women faced in the process of procuring legal recourse. These included damaging effects on their health, economic barriers, familial support and cultural barriers that included traditional and gendered expectations that shaped the experiences of all ten of the participants and subsequently played a role in their decisions to seek help. Financial need was the largest problem these women faced, they lacked access to financial resources and securing safe housing. It cannot go ignored

that through no fault of their own these women faced additional obstacles that were the direct result of their social, cultural, and gender identities. Not one of their identities was solely responsible in influencing their decisions to seek help, but rather they all intersected in various contexts adding to the complexity of their experience. As was the case when considering legal status.

Legal status not only kept women from leaving the relationship but also became a restriction once they had left the relationship and procured legal recourse. At this point legal status became an impediment in their employment opportunities as did language barriers. All of the women who had no legal status experienced difficulty in finding well-paying jobs and when they did they were jobs in very specific sectors such as cleaning and waitressing. This is a gendered structural problem that is a major source of inequality. Eight of the women in the study entered the United States undocumented with their partners; eventually only three of them obtained U Visas. It was once they had work authorization that the women with U Visas were able to obtain better paying and stable jobs. Men however, even if documented, are able to access manual labor businesses such as construction, painting, lawn mowing etc. These are jobs that are generally well paid and often hire undocumented men. The majority of the abusive partners worked in sectors of manual labor. Norma's ex-partner, worked in construction and made good money. But to be revengeful when it came to paying for his child support he argued that he was laid off because he was undocumented and had been unable to find new employment. Yet, he was able to afford a private attorney.

There is ample work to be done in supporting women economically, by providing the opportunity of work permits in order to find better paying jobs and essentially financial stability for them and their children. Further, the services available to women need to be evaluated and assessed to ensure they are adequately meeting the needs of the population they are meant to support. For Latinas, this includes providing culturally appropriate services, ability to accommodate children, and having Spanish-speaking providers in order to lessen the barriers of soliciting formal support (Acevedo 2000; Kasturirangan & Williams 2003; Sorenson 1996). These are factors that must also be addressed in order for battered women to achieve greater parity in and outside of U.S. institutions.



## CHAPTER FOUR

### CONCLUSION

#### **Summary**

This study was about the experiences of ten women who pursued a legal remedy and the process of doing so. The overarching questions guiding this study were the following: 1) What are the challenges faced by Mexican women in the United States when seeking legal recourse for domestic violence?; 2) How are their experiences further defined culturally (gender norms, family etc.) and socially (organizational challenges, immigration status?; and lastly 3) What are the strategies and resources women employ in the process of seeking/obtaining a legal remedy? In the analysis, the multiple sociopolitical (i.e. social isolation, language, lack of knowledge, fear of deportation) and sociocultural barriers (i.e. marital devotion, self –sacrifice, dedication to family) that participants faced when seeking legal recourse are identified and expanded upon. These sociocultural and sociopolitical barriers played a role not only in the decision to leave the abusive relationship, seek legal recourse but also continued to affect their lives thereafter. Subsequently, leaving women to develop strategies and seek resources as a means to improve their situation and continue to care for themselves and their children.

Throughout the process of seeking legal recourse women reported various obstacles and had different support systems and varying levels of interactions. Because all of the participants sought legal recourse they interacted with legal advocates, social workers, counselors, the police and courts. All of the women found their counselors and

legal advocates to be extremely useful and helpful in not only explaining to them the process but also in caring for them on a personal level. Nevertheless, some of the women did report disillusionment with lengthy processes and outcomes, presenting a major obstacle. The most common legal remedy sought was orders of protection. These were relatively easy to acquire as they are the one legal remedy that can be obtained on the same day. However, other more troublesome recourses included U Visas and divorce. Seeking to obtain either of those turned to be an exhausting process for the women. The process of applying for a U Visa is not only time consuming but also a lengthy one from applying to having the application approved and then the four years it takes to be able to apply for residency. In addition, U Visas have stringent requirements that not all women are able to meet as was Alina's story. There are also the women who qualify but due to other circumstances are unable to apply, as was the case with Claudia who wanted to first determine the welfare of her children and the divorce before she could apply for a U Visa.

As for the women who sought divorce the outcomes continue to yield them a struggle. Marisol, sought a divorce as a means to legally leave her abuser. She thought that if she didn't mention the abuse then things could work out and she would just leave. However, because she was unemployed she lost custody of her children, a result she was unprepared for and had not expected. Unfortunately, because Marisol never called the police out or sought an order of protection due to fear, she is not eligible to apply for a U Visa. Now, she finds herself needing to have a job not only to support herself but also as a means to be able to fight for custody of her children. Equally important to the women was also determining custody and visitation schedules.

Despite having left their abusers the women in the study continued to engage with them because of their children. Only Marisol had a set visitation schedule with her ex-husband and that was achieved after over two years in court proceedings in which she subsequently also lost the custody of her children. In Margaritas case, she has been in divorce proceedings for a year. She has no set schedule, prohibiting her ability to move and find more suitable living arrangements for herself and her children. Not having a set visitation schedule is incredibly hard on these women as they have no substantial legal backing on what is okay or not for the abuser to do when wanting to see or contact their children. These stories highlight how the system that is meant to protect women from the abuser subsequently binds them even closer together in the name of parental rights.

In seeking legal recourse women faced additional barriers consisting of economic challenges, health challenges, and cultural challenges. Economic challenges were the most difficult for nine of the ten women. Implicated in the hardship was undocumented status, lack of skills and English proficiency. All these factors limited their job opportunities. As such women struggled with finding employment and being able to provide for their children. Some of the women had to downsize their living spaces, at times even went without food and found themselves working jobs with low pay and bad hours. For participants financial stability represented the opportunity to be self-dependent and provide for their children. Financial stability, seeking legal recourse and the process thereof also had negative health consequences for the women in the study including, depression, anxiety, low-self-esteem, and suicidal ideation.

In addition cultural values and beliefs heavily influenced the lives and decisions women made throughout the process of seeking legal recourse. Most significantly, these

included beliefs centered on family and traditional gender-role expectations. All of the women valued the support from their family, however, the majority lacked the physical presence of family in the United States. Adding an additional barrier to their experience as they couldn't count on their immediate or extended family to provide financial support or assist in caring for children. Further, all of the women in the study to some extent ascribed to the gendered expectations of being submissive, self-sacrificing and placing their family above their own personal wellbeing.

### **Implications**

This study provides important theoretical and practical implications for future research and practice. The stories captured in this study support the theory of intersectionality, by demonstrating the mutually constitutive natures of race, gender, class and legal status as different axes of inequality intersecting and consequently shaping the unique experiences of the women represented. The varying intersections between gender, class, race, legal status and that of being battered were associated with additional barriers such as higher risk of victimization by the their abuser and also economic disadvantage for the women in the study. The theory of intersectionality is well suited for explicating how these intersections create inequalities, and the importance of analyzing them all cumulatively. Most importantly, understanding the axes intersections allows for the exploration of practical solutions to the inequalities associated with them.

Existing research has contributed to making strides in the right direction to provide resources and assistance to victims of domestic violence, such as providing accessibility to resources and legal recourse. However, there is still more to be done. Finding new ways to address these issues facing the community at large is of the essence.

Part of the solution continues to be finding culturally sensitive ways to raise awareness and educate the community on the effects of domestic violence. An example of this is Rosa's activity presented in chapter 2. Through her activity Rosa is able to unveil the difficulties in seeking help that are much more complex than just leaving the abuser. Secondly, more needs to be done to support women through their path of financial stability. This is specifically the case for undocumented women who would appreciate the opportunity to find and have stable employment. Three of the women in the study benefited greatly from having obtained a U Visa. However, U Visas are not easy to obtain and the applicant has to meet all of the requirements in order to apply. Providing work permits for women as it was once done through the Bracero Program for men, would be extremely beneficial and a new path towards comprehensive immigration policy for women. Lastly, addressing the welfare of children is important. One way to accomplish this structurally is to have the availability of childcare that is affordable and accessible. This could include having childcare services provided in courts allowing women the opportunity to seek their legal rights without having to worry about their children. Especially because as courts stand now, they are not children friendly which is complicated for women who do not have the help of family members or friends to accommodate for their children and consequently are unable to attend court. In dealing with parenting, having formal visitation schedules and child support decided in a timely and efficient matter would help all parties involved and would have been especially useful to some of the women represented in this study.

### **Limitations**

The narratives collected in this study provided rich data to support existing literature. Nevertheless, it did have its fair share of short comings and weaknesses. The biggest limitation of this study is its small sample size due to lack of time and resources. Further the study lacked diversity as the sample consisted of women who identified as Mexican with 9 of them being born in Mexico and migrating to the United States later in their lives. Having a larger more diverse sample would be useful to strengthen the validity of my findings and could also highlight the differences and similarities amongst other Latinas.

APPENDIX A  
INTERVIEW QUESTIONNAIRE

## Interview Questionnaire

### Demographic

1. What is your country of origin (birthplace)?
2. How long have you been living in the United States?
3. What is your marital status?
4. What is your employment status?
5. Do you speak English?
6. Do you have any children?
7. What legal remedy did you seek?
  - a. Order of Protection
  - b. VAWA, U-Visa
  - c. Stalking Order
  - d. Other/ explain
8. Can you explain why you chose this specific remedy?

(As the interviewer once the specific legal remedy is identified, I can implement it in the necessary questions)

### Knowledge and sentiments about legal remedies

1. How did you become aware of legal remedies available to victims of domestic violence?
2. How do you feel about legal remedies being available to women?
3. What made you want to seek a legal remedy?
  - a. Was there a specific event that led to your decision?
    - i. If so can you explain
4. Did anyone help you in your decision to seek a legal remedy?
5. What steps did you take after your decision to pursue a legal remedy?
6. Did you have a lawyer or an advocate working with you?
7. Did you have someone help you fill out the appropriate paperwork?

### Process, Feelings, and Outcomes

1. Did you face any obstacles while pursuing a legal remedy; was anything difficult for you to deal with?
2. Was the legal process involved in seeking a legal remedy fully explained to you? Do you feel you have an understanding of the legal process involved?
3. Was going to court part of obtaining a legal remedy?
  - a. Who made you aware of having to go to the court, and what to expect?
4. What were your first impressions of the court room?
  - a. Did you feel prepared to be in a court room?
5. What emotions did you experience as the proceedings went on? Was there a time when you felt angry, worried, sad, confused?



- a. Did you have any one to speak to if you wanted help or more information?
- 6. Did you experience any challenges
- 7. Were you able to understand everything that was going on?
- 8. How long did the process take?
- 9. What was the outcome and what do you think about that?
  - a. Was the outcome what you had expected?
  - b. Yes/ No can you please explain?
- 10. Were there any special circumstances that made this process more difficult for you?
- 11. Is there anything else about your experience that you would like to share?

APPENDIX B  
TABLE OF PARTICIPANTS

Name	Age	Number of Children	Current Immigration Status	Years in the U.S.A	Marital Status	Legal Recourse Sought	Legal Recourse Obtained
Alina	30	2	Undocumented	11	Married*	<ul style="list-style-type: none"> <li>• U-visa</li> <li>• Emergency Order of Protection</li> <li>• Order of Protection (2years)</li> </ul>	<ul style="list-style-type: none"> <li>• Emergency Order of Protection</li> </ul>
Carolina	64	3	USC (Naturalization)	36	Married*	<ul style="list-style-type: none"> <li>• Shelter</li> <li>• Order of Protection</li> </ul>	<ul style="list-style-type: none"> <li>• Order of Protection</li> </ul>
Christina	34	1	Undocumented	15	Never married	<ul style="list-style-type: none"> <li>• Civil Order of Protection</li> </ul>	<ul style="list-style-type: none"> <li>• Order of Protection</li> </ul>
Claudia	31	4	Undocumented	12	Married	<ul style="list-style-type: none"> <li>• Emergency Order of Protection</li> </ul>	<ul style="list-style-type: none"> <li>• Emergency Order of Protection</li> </ul>
Margarita	40	2	Citizen	40	Married/ In divorce proceedings	<ul style="list-style-type: none"> <li>• Order of Protection</li> <li>• Divorce</li> </ul>	<ul style="list-style-type: none"> <li>• Order of Protection (Emergency, did not receive extension)</li> </ul>
Marisol	29	4	Undocumented	12	Divorced	<ul style="list-style-type: none"> <li>• Divorce</li> </ul>	<ul style="list-style-type: none"> <li>• Divorce</li> </ul>
Norma	45	6	U Visa	20	Never married	<ul style="list-style-type: none"> <li>• Orders of Protection (2 years)</li> </ul>	<ul style="list-style-type: none"> <li>• Obtained 3 orders each for 2 years</li> </ul>
Paola	48	5	U Visa		Married*	<ul style="list-style-type: none"> <li>• Order of Protection</li> <li>• U Visa</li> </ul>	<ul style="list-style-type: none"> <li>• Order of Protection</li> <li>• U Visa</li> </ul>
Yolanda	40	5	Undocumented	20	Married*	<ul style="list-style-type: none"> <li>• Emergency Order of Protection</li> </ul>	<ul style="list-style-type: none"> <li>• Emergency Order of protection 1 month</li> </ul>
Yurizia	48	3	U-Visa	19	Married*	<ul style="list-style-type: none"> <li>• Order of Protection</li> <li>• U Visa</li> </ul>	<ul style="list-style-type: none"> <li>• Order of Protection</li> <li>• U Visa</li> </ul>

- Legally married, but living separately.

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