

# Addressing Domestic Violence in Immigrant Communities

*Deborah M. Weissman*



**T**he need for adequate legal intervention to protect battered women is compelling. Disturbingly prevalent in the population at large, domestic violence assumes even more troubling dimensions in the growing immigrant communities across the United States. Immigrant women in abusive relationships are in a particularly precarious situation because they are vulnerable to both physical assault and coercive measures related to their immigration status. An abuser may, for example, threaten his wife with deportation by the Immigration and Naturalization Service (INS), refuse to file necessary papers to legalize her immigration status, or deliberately hide or destroy documents indispensable to her lawful stay in the United States, such as a passport, a birth certificate, or a marriage certificate. Further, an immigrant woman who leaves an abusive marriage risks her ability to obtain lawful permanent residence, which is contingent on her husband's cooperation with the INS.

This article focuses primarily on immigrant women married to U.S. citizens or lawful permanent residents (LPRs). But the condition of a battered immigrant woman living with a spouse who is not legally present in the United States may be even more desperate, for there are few legal remedies that do not expose her to the possibility of deportation.

---

*The author is a member of the faculty of the UNC-CH School of Law, with research interests in immigration law and domestic violence. She also is the chair of the North Carolina Domestic Violence Commission.*

For many women, deportation is a prospect to be avoided at all costs. It may mean a return to a life of malnutrition, poverty, and disease for them and their children. For women who have fled political persecution, it may mean torture, jail, or even death.<sup>1</sup> Consequently, if an immigrant woman is unaware of the legal remedies available to her, she may well be reluctant to leave an abusive relationship. (Other factors may keep immigrant women in abusive relationships. See the sidebar, page 14.)

## Effects of Immigration Law

To comprehend the effects of immigration law on efforts to deal with domestic violence, one first must understand how noncitizens may lawfully enter and remain in the United States. Federal law governs whether, when, and how noncitizens may enter the country.<sup>2</sup> Noncitizens who come to the United States with the intention of living here indefinitely are considered immigrants. Noncitizens who come for a fixed period and a specific purpose, such as tourists or students, are considered nonimmigrants and are not the focus of this article.

Immigrants may become LPRs—a status allowing them to remain and work in the United States indefinitely and a critical preliminary step to becoming citizens—in one of four ways. They may be

1. sponsored by an immediate family member who is a U.S. citizen or an LPR;
2. sponsored by an employer who has completed the necessary process with the U.S. Department of Labor;

## Other Obstacles to Legal Relief and Protection

In addition to the legal issues discussed in the accompanying article, other obstacles may discourage and occasionally prevent immigrant victims of domestic violence from obtaining legal relief and protection.

**Linguistic and cultural barriers.** Battered immigrant women may be unable to communicate proficiently in English. That makes access to lawyers, courts, domestic violence shelters, and social services agencies more difficult.<sup>1</sup> Although many programs providing services to victims of domestic violence are conscious of the need for bilingual staff, they may lack the resources to expand their services. Different cultural norms also may deter an immigrant woman from seeking help. Within immigrant families and communities, violence in a marriage may be seen as a “private” problem, and a woman may be discouraged from going outside traditional family structures for solutions. Also, an immigrant woman may be unwilling or unable to bear the consequences of ending her marriage, such as estrangement from family and community.<sup>2</sup>

**Lack of familiarity with the legal system.** Many immigrant women lack familiarity with the legal system in the United States. Further, they may be reluctant to appeal to the courts as a result of experiences with the legal systems in their home countries. For example, in judicial systems in some nations, notarized affidavits, not oral testimony, are the primary form of evidence, and the testimony of women may carry little weight.<sup>3</sup> Some immigrants also may be accustomed to dealing with a legal system in which outcomes are a function of economic privilege or political connections rather than due process of law.<sup>4</sup>

**Fear of the police.** In one study in 1990, only 2 percent of battered immigrant women interviewed called the police for assistance.<sup>5</sup> This low reporting rate may be the result of immigrants’ fear that the police will report them to the INS and that deportation will follow. The low reporting rate also may be a consequence of immigrants’ experience in their home countries, where police may intervene infrequently in domestic situations or be agents of a repressive government.<sup>6</sup>

**Ignorance and fear of social services agencies.** Relatively few immigrants are aware of the range of social services that they may obtain. In most Latin American countries, for example, legal services agencies are virtually unknown.<sup>7</sup> Also, the quasi-governmental status of social and legal services agencies may arouse fear that involvement with them could bring the attention of the INS and lead to deportation.<sup>8</sup>

### Notes

1. See Deena Jang, *Triple Jeopardy: The Plight of Battered Immigrant and Refugee Women*, 19 IMMIGRATION NEWSLETTER 6, 8 (1990).

2. Tien-Li Loke, *Trapped in Domestic Violence: The Impact of United States Immigration Laws on Battered Immigrant Women*, 6 BOSTON UNIVERSITY PUBLIC INTEREST LAW JOURNAL 589, 590–91 (1997).

3. Catherine Klein & Leslye Orloff, *Providing Protection for Battered Women: An Analysis of State Statutes and Case Law*, 21 HOFSTRA LAW REVIEW 801, 1020 (1993).

4. UNITED STATES COMMISSION ON CIVIL RIGHTS, RACIAL AND ETHNIC TENSIONS IN AMERICAN COMMUNITIES: POVERTY, INEQUALITY, AND DISCRIMINATION at 75 (Washington, D.C.: USCCR, 1993).

5. Linda Kelly, *Stories from the Front: Seeking Refuge for Battered Immigrants in the Violence Against Women Act*, 92 NORTHWESTERN UNIVERSITY LAW REVIEW 665, 678 (1998), citing C. HOGELAND & K. ROSEN, DREAMS LOST, DREAMS FOUND: UNDOCUMENTED WOMEN IN THE LAND OF OPPORTUNITY at 12–13 (1990).

6. See Klein & Orloff, *Providing Protection* at 1021.

7. Stacy Brustin, *Expanding Our Vision of Legal Services Representation—The Hermanas Unidas Project*, 1 AMERICAN UNIVERSITY JOURNAL OF GENDER AND THE LAW 39, 46 (1993).

8. See Kelly, *Stories from the Front* at 679.

3. chosen in the “diversity visa” program, a lottery designed to encourage immigration from countries that in recent years have sent the fewest number of immigrants to the United States; or
4. granted status as a refugee or an “asylee” (one granted asylum) based on a well-founded fear of being persecuted in their home country.<sup>3</sup>

Immigrants married to U.S. citizens or LPRs often seek LPR status on the basis of the first method, family sponsorship. Women married to U.S. citizens are eligible for immigrant visas without quota limitation and must simply wait until the INS processes the paperwork.<sup>4</sup> Further, these women are eligible to become LPRs immediately. Women married to LPRs also are eligible for immigrant visas, but they are assigned to “preference” categories according to their country of origin and then are subject to quotas and waiting periods before they can enter the United States and apply to become LPRs.<sup>5</sup> In either case the immigrant wife must rely on her husband to complete and file the necessary paperwork and to attend at least one marriage interview with the INS.

### Early Immigration Law

The legislative history of the federal Immigration and Naturalization Act underscores congressional concern for preserving the traditional family unit.<sup>6</sup> Immigration laws have not always reflected the needs and the circumstances of women, however. Early immigration laws incorporated the doctrine of “coverture,” the proposition that the husband was the head of the household and that a married woman’s nationality and residence, among other things, derived from her husband. As a result, citizen or LPR husbands were legally entitled to control the immigration status of their noncitizen wives.<sup>7</sup>

### Immigration Marriage Fraud Act of 1986

The passage of the Immigration Marriage Fraud Act (IMFA) in 1986 created additional difficulties for battered women by introducing another step in the process of obtaining LPR status based on marriage. The IMFA contin-

ued to require a citizen or LPR husband to submit a petition for his noncitizen wife. However, rather than granting LPR status to the noncitizen spouse on approval of the petition, the IMFA mandated a “conditional residency” of two years if the marriage was less than two years old when the petition was approved.<sup>8</sup> For the noncitizen wife to obtain LPR status and avoid deportation, she and her husband had to file a joint petition before the expiration of two years, demonstrating that the wife did not enter into the marriage to obtain immigration status and that the marriage still existed.<sup>9</sup> The intent of the IMFA was to deter immigrants from entering into fraudulent marriages to gain LPR status.<sup>10</sup> The two-year conditional residency and the joint-filing requirement, however, created additional hardships for women whose legitimate marriages had become intolerable because of domestic violence.

#### **IMFA Amendments of 1990— Battered Spouse Waivers**

Recognizing the dangerous consequences of the 1986 law, Congress amended the IMFA in 1990 to allow battered spouses to apply for a waiver of the joint-filing requirement so that they may move from conditional to permanent status without the cooperation of an abusive spouse. To obtain a waiver, an immigrant wife has to demonstrate that she entered into the marriage in good faith and that she or her child has been “battered or subject[ed] to extreme cruelty.”<sup>11</sup> These provisions improve a battered woman’s opportunity to obtain LPR status, but the law continues to pose problems for women in abusive relationships. INS regulations implementing the amendments create stringent proof requirements that limit the usefulness of the waiver provisions.<sup>12</sup> More important, the 1990 IMFA amendments did not eliminate the power of abusive spouses to control the immigration status of their wives because IMFA waivers still were available only to wives whose husbands had filed the required initial petitions for conditional residency. Thus, even after the 1990 amendments, wives whose husbands refused to file any of the necessary paperwork with the INS still were without a remedy.



Early immigration laws incorporated the doctrine of “coverture,” the proposition that the husband was the head of the household and that a married woman’s nationality and residence . . . derived from her husband.

#### **Violence Against Women Act of 1994**

Four years later, Congress passed the Violence Against Women Act (VAWA),<sup>13</sup> intended to be a comprehensive effort to address domestic violence and sexual assaults, and to expand the federal presence in domestic violence matters. The law provides various forms of relief, including funding for women’s shelters, a national domestic-abuse hotline, rape education and prevention programs, training for federal and state judges, and, of greatest relevance to this article, immigration remedies for battered women.

For battered immigrants who depend on citizen and LPR spouses for lawful status in the United States, VAWA offers two important forms of relief: “self-petitioning,” under which abused spouses of citizens or LPRs may file their own petitions for LPR status; and “cancellation of removal,” under which battered spouses may avoid deportation from the United States and obtain LPR status. The remedies are available to both men and women who meet the eligibility criteria, but the focus in this article is women because they are more likely to be victims of domestic violence and more likely to be in need of these remedies.

The statute and the implementing regulations set forth eligibility criteria for each remedy, as follows. A self-petitioner must

1. be married to a U.S. citizen or an LPR at the time of filing the petition;
2. have married in good faith;
3. reside in the United States;
4. have resided with the abuser in the United States;
5. have been abused by the citizen or LPR spouse;
6. be of good moral character; and
7. be a person for whom deportation would result in extreme hardship to herself or her children.

Children may be included as derivative beneficiaries under an abused spouse’s self-petition. Abused children, or the married parent of an abused child, also may self-petition. A self-petition will be denied if, before filing, the marriage has legally ended through annulment, death, or divorce.

Self-petitioning is a complex legal process and generally requires the skills of an attorney. Once a self-petition is approved, an immigrant is eligible to apply for work authorization and for LPR status. If she is married to a U.S. citizen, the petitioner may apply for LPR status immediately. If she is married to an LPR, the petitioner is subject to a waiting period, the length of which depends on the petitioner’s country of origin.

To be eligible for cancellation of removal—which essentially means suspension of deportation—the applicant must

1. have been married to a U.S. citizen or an LPR;
2. be subject to deportation;
3. have been physically present in the United States continuously for at least three years;
4. have been battered or subjected to extreme cruelty while in the United States by a spouse or a parent who is a U.S. citizen or an LPR (or be the parent of a child subjected to such abuse);
5. be of good moral character; and
6. be a person for whom deportation would result in extreme hardship to herself or her children.

A woman who has a child with a citizen or an LPR but is not married to him, also may be eligible for relief for herself and her child if the citizen or LPR parent has abused the child.

Unlike self-petitioning, cancellation of removal is available as a remedy *after* a woman is divorced from an abusive husband. She may seek it, however, only in response to INS efforts to de-

port her from the United States. For example, a battered immigrant woman who is not eligible for self-petitioning because she is divorced must wait until she is subject to deportation proceedings before she may seek LPR status and work authorization through cancellation of removal.

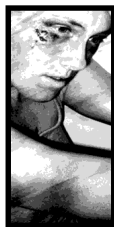
The use of VAWA remedies can be arduous. For both self-petitioning and cancellation of removal, battered immigrant women must prove many elements—not only abuse but also the good faith of the marriage, residence with the abuser in the United States, the abuser's citizenship or LPR status, and extreme hardship.<sup>14</sup> To meet the definition of extreme hardship under INS regulations related to battered immigrants, the woman must show that she has suffered from domestic violence and, as a result, she or her children have ongoing needs for counseling, medical care, legal protection, child support, enforceable custody orders, or other assistance, that require access to U.S. courts and are not likely to be met in her home country.<sup>15</sup>

Although federal regulations require the INS to consider “any credible evidence,” the instructions accompanying the self-petition forms suggest a preference for certain documentation, such as reports and affidavits from medical personnel, social workers, and police. This kind of documentation may be difficult to obtain, however.<sup>16</sup> For example, a battered immigrant woman's fear of deportation may prevent her from contacting service agencies, including health providers. That limits her ability to document the abuse she has suffered. The next section discusses ways in which state court proceedings may assist battered immigrant women in meeting these requirements, obtaining relief under VAWA, and ultimately protecting themselves and their children from further domestic violence.

## State Court Procedures and Federal Remedies

### State Court Procedures

In 1979 North Carolina enacted the state's first domestic violence act, Chapter 50B of the North Carolina General Statutes. Chapter 50B allows male or



## Domestic violence orders not only can protect battered immigrants from abuse but also can reduce their vulnerability to coercive measures concerning their immigration status.

female victims of domestic violence to file civil actions in state court to obtain emergency and long-term relief of up to one year. Physical or sexual violence as well as attempted or threatened violence are grounds for an order of protection, called a domestic violence protective order, or DVPO. In addition to ordering the defendant to cease abuse, a court may order the defendant to stay away from the plaintiff, may exclude the defendant from the residence, may enter temporary custody and visitation provisions, and may require child and spousal support. The statute also authorizes the court to grant any other relief that may be necessary to protect the plaintiff or any minor child.<sup>17</sup>

Battered women are eligible for protective orders regardless of immigration status.<sup>18</sup> Particular care is required, however, to meet the needs of battered immigrant women. Questions regarding immigration status during a state court proceeding may discourage use of these remedies.<sup>19</sup> Yet, to protect immigrants adequately from domestic violence, protective orders may need to account for immigration concerns.

### Tailoring of State Court Relief

Domestic violence orders not only can protect battered immigrants from abuse but also can reduce their vulnerability to coercive measures concerning their immigration status. Although VAWA attempts to limit the ability of abusers to use immigration law as a vehicle to maintain abusive relationships, a battered immigrant is unable to use VAWA successfully without the necessary documentation. State domestic violence remedies offer one possible solution to this problem.

Obtaining a protective order restraining continued abuse both provides safety for an immigrant woman and furnishes the documentation of abuse needed in VAWA proceedings.<sup>20</sup>

Further, when appropriate, a protective order granting the immigrant spouse exclusive use or possession of the parties' home may give her access to, and the ability to preserve, documents necessary to make her case during VAWA proceedings. A state court also may order an abuser to surrender personal property to the abused spouse, including papers and documents she may need to provide to the INS.

Custody and visitation provisions often are the most important aspects of adequate protection for a victim of domestic violence.<sup>21</sup> Battered women who attempt to leave an abusive partner are frequently driven by the desire to protect their children. If the abuser has family or other ties in another country, he may threaten to remove the children from the United States. A protective order can help meet this threat by enjoining the abuser from removing the children from the United States without a court order, and ordering the surrender of the children's passports.

A battered immigrant woman also may be in a precarious financial condition because she may lack work authorization and have limited access to public benefits. A protective order may include financial assistance in the form of child and spousal support. A protective order also may help battered immigrants qualify for needed public benefits. If the abuse is adequately documented, federal law allows battered immigrants to obtain federal benefits that otherwise might be denied them.<sup>22</sup>

A battered woman married to an LPR or a naturalized citizen also may have to produce copies of documents not easily accessible to her—for example, the abuser's birth certificate, certificate of naturalization, “green card” (Alien Registration Receipt Card, which identifies the rightful holder as a permanent resident of the United States), passport, and alien registration

## Project Esperanza

**P**roject Esperanza is a coalition of groups and people working together to serve battered immigrants in North Carolina. Coalition members represent diverse interests and organizations, including health and mental health providers, domestic violence advocates, legal services staff, members of the academic community, and others. The coalition has produced a manual, *Project Esperanza: A Guide to Working with Battered Latinas*, which focuses on training and public awareness activities for domestic violence programs, health care organizations, legal services programs, law enforcement agencies, social services agencies, and other groups that serve immigrant communities.

Project Esperanza also has organized training sessions across the state. Nearly one-third of the people who have attended the sessions are associated with domestic violence programs or related agencies. Health department and law enforcement personnel make up the next-largest groups of participants.

In addition, Project Esperanza has engaged in several community outreach efforts, developing services appropriate to the cultural and sociological context of the immigrant community and collaborating with ethnic women's organizations, Spanish-language media, religious groups, and cultural community centers.

*For more information, contact Project Esperanza, c/o Legal Services of North Carolina, P.O. Box 26087, Raleigh, NC 27611, phone (919) 856-2564. For a copy of the manual, contact the North Carolina Coalition against Domestic Violence, 301 West Main Street, Suite 350, Durham, NC 27701, phone (919) 956-9124.*

number. Other types of documentation may be helpful in showing her good faith marriage and her residence with the abuser, including wedding and other photographs, evidence of vacations taken together, evidence of joint ownership of property, leases, insurance policies, bank statements, income tax forms, wills, and correspondence. This documentation may be difficult to obtain without the intervention of a state court in a domestic violence proceeding. A state judge may be able to require that such documents be turned over under either the domestic violence statute's provision for determining possession of personal property or the statute's catch-all provision allowing any relief necessary to protect the plaintiff from further abuse.<sup>23</sup>

Without access to VAWA remedies, an immigrant woman is limited to a spouse-controlled immigration process, which Congress recognized as dangerous to victims of domestic violence. In passing VAWA, Congress noted that "current law fosters domestic violence . . . by placing full and complete control of the alien spouse's ability to gain per-

manent legal status in the hands of the citizen or lawful permanent resident spouse."<sup>24</sup> By granting relief particular to immigration concerns, a state court does not determine immigration issues. Rather, it enhances the safety of battered immigrants by allowing them to obtain and preserve evidence necessary in VAWA proceedings.

There is a final note of caution. An LPR who violates a protective order is subject to deportation. Because VAWA remedies are available only to spouses of U.S. citizens or LPRs, the deportation of the spouse of a battered immigrant woman before she qualifies for immigration relief under VAWA may result in the forfeiture of such remedies. It is possible, moreover, for the victim of abuse to become a criminal defendant in a domestic violence incident based on accusations of her abuser. She also might become the subject of a mutual order of protection, violation of which could lead to her own deportation. Any criminal act on her part may subject her to deportation or ineligibility for VAWA remedies as a result of her failure to prove good moral character.

## The Role of Other Agencies

To ensure that the problems of battered immigrant women are not overlooked, all interested parties—domestic violence experts, immigration advocates, law enforcement agencies, medical providers, and social services organizations—must work together. (For a description of a human services coalition that supports Hispanic women, see the sidebar on this page.) Particular agencies and organizations are key to overcoming obstacles, as follows.

### Domestic Violence Programs and Shelters

A trained domestic violence program staff is critical to the collection of evidence that a battered immigrant woman needs to obtain a protective order and relief under VAWA. The initial contact between a battered immigrant and a domestic violence program staff member may be an immigrant victim's only opportunity to learn about the documentation that she must obtain before leaving an abuser.

Shelter services for battered women are exempt from the limitations imposed by Congress in 1996 on public benefits for immigrants; such services may be provided to domestic violence victims regardless of immigration status.<sup>25</sup> Programs that receive federal funds and refuse to serve battered women because of their immigration status, ethnicity, or language violate Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin.<sup>26</sup>

### Law Enforcement Agencies

Law enforcement agencies also are a critical point of contact for battered immigrant women. Battered immigrants may be fearful of the police in general or fearful that the police will report them to the INS. State and local law enforcement officials are not required to contact the INS, however,<sup>27</sup> and most view their primary obligation as responding to victims of crime within their jurisdiction. Police also can be of assistance in immigrant communities by collaborating with other agencies, participating in training, and developing open lines of communication with immigrant households.



## Notes

1. For a comprehensive review of the consequences of deportation to battered immigrant women, see DOMESTIC VIOLENCE IN IMMIGRANT AND REFUGEE COMMUNITIES: ASSERTING THE RIGHTS OF BATTERED WOMEN (Deeana Jang et al. eds., San Francisco: Family Violence Prevention Fund 2nd ed. 1997).

2. Immigration and Naturalization Act of 1952, 8 U.S.C. §§ 1151-1160, 1181-1189 (1998).

3. There also is a fifth method: being a person not subject to limitations described in other sections of the Immigration and Naturalization Act. See 8 U.S.C. §§ 1101(a)(27), 1259, 1229a (1998); 8 C.F.R. § 101.3(a), (c), (d) (1999).

4. Immigration and Naturalization Act, 8 U.S.C. § 1151(b)(2)(A)(i) (1998).

5. Immigration and Naturalization Act, 8 U.S.C. §§ 1153(a)(1-4) (1998).

6. See H.R. REP. NO. 82-1365, at 29 (1952), reprinted in 1952 U.S.C.C.A.N. 1653, 1680 (commenting on the "underlying intention of our immigration laws regarding preservation of the family unit").

7. Janet Calvo, *Legacies of Coverture*, 28 SAN DIEGO LAW REVIEW 593, 600 (1991), citing S. REP. NO. 81-1515, at 414 (1951).

8. Immigration and Naturalization Act, 8 U.S.C. §§ 1154(g), 1186a (1998).

9. Immigration and Naturalization Act, 8 U.S.C. §§ 1186a(c)(2), (d)(2)(A) (1998).

10. See Calvo, *Legacies* at 607: "When the INS study upon which the contentions of marriage fraud abuse was based was eventually disclosed after the passage of the Marriage Fraud Act, it was shown to have several serious flaws," citing *INS Reveals Basis for Fraud Claims*, 65 INTERPRETER RELEASES 26-27 (1988).

11. Immigration Act of 1990 (amending the Immigration and Naturalization Act), 8 U.S.C. § 1186a(c)(4) (1998).

12. 8 C.F.R. § 216.5(e)(3) (1999).

13. Violence Against Women Act, 42 U.S.C. § 13981 (1998). VAWA is codified as amended in scattered sections of 8 U.S.C., 16 U.S.C., 18 U.S.C., 28 U.S.C., and 42 U.S.C. Although the civil rights remedies contained in VAWA have been challenged (see *Brzonkala v. Virginia Polytechnic*, 169 F.3d 820 (4th Cir.), cert. granted, 120 S. Ct. 11 (1999), there have been no challenges to the immigration provisions of the act.

14. 8 U.S.C. § 1154(a)(1)(A)(iii), (a)(1)(B) (1998); 8 C.F.R. § 204.2(c)(1), (2) (1999).

15. 8 C.F.R. § 204.2(c) (1999).

16. INS Form I-360 (rev. Mar. 7, 1996).

17. N.C. GEN. STAT. § 50B-3(a)(1)-(13) (hereinafter G.S.). See also PETER FINN &

SARAH COLSON, NATIONAL INSTITUTE OF JUSTICE, CIVIL PROTECTION ORDERS: LEGISLATION, CURRENT COURT PRACTICE AND ENFORCEMENT at 19 (Washington, D.C.: U.S. Department of Justice, 1990) (finding that properly drafted protective orders are effective in providing protection from domestic violence).

18. See Deeana Jang, Catherine Klein, & Leslye Orloff, *With No Place to Turn: Improving Legal Advocacy for Battered Immigrant Women*, 29 FAMILY LAW QUARTERLY 313, 314 (1995).

19. See H. HOWARD DAVIDSON, THE IMPACT OF DOMESTIC VIOLENCE ON CHILDREN: A REPORT TO THE PRESIDENT OF THE AMERICAN BAR ASSOCIATION (Chicago: American Bar Association Center on Children & the Law, 1994).

20. For a comprehensive review of battered immigrant women's relief in the form of state protective orders, see LESLYE ORLOFF & RACHEL LITTLE, SOMEWHERE TO TURN: MAKING DOMESTIC VIOLENCE SERVICES ACCESSIBLE TO BATTERED IMMIGRANT WOMEN, ch. 8, *Creative Use of Protection Orders in Battered Immigrant Cases* (Washington, D.C.: Ayuda, Inc., May 1999).

21. See STEPHEN B. HERRELL & MEREDITH HOFFORD, FAMILY VIOLENCE: IMPROVING COURT PRACTICE (Reno, Nev.: National Council of Juvenile and Family Court Judges, 1990); DAVIDSON, THE IMPACT OF DOMESTIC VIOLENCE.

22. Tien-Li Loke, *Trapped in Domestic Violence: The Impact of United States Immigration Laws on Battered Immigrant Women*, 6 BOSTON UNIVERSITY PUBLIC INTEREST LAW JOURNAL 589, 609-14 (1997). Immigrants' eligibility for public benefits is discussed in Jill D. Moore, *Immigrants' Access to Public Benefits: Who Remains Eligible for What?*, POPULAR GOVERNMENT, Fall 1999, at 22 (posted at <http://ncinfo.iog.unc.edu/pubs/pg/pg-archv.htm>).

23. G.S. 50B-3(a)(13).

24. H.R. REP. NO. 103-95, at 26 (1993).

25. See Specification of Community Programs Necessary for Protection of Life or Safety under Welfare Reform Legislation, 61 Fed. Reg. 45,985 (1996).

26. 42 U.S.C. § 2000d (1998).

27. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1357 (1998), allows an officer to question "any alien or person believed to be an alien as to his right to be or to remain in the U.S.," but only when "the officer . . . is performing duties relating to the enforcement of the immigration laws at the time of the arrest and if there is a likelihood of the person escaping before a warrant can be obtained for his arrest."

28. S. REP. NO. 103-38, at 42 (1993).

### Social Services Agencies

Social services agencies can distribute information and participate in educational efforts to inform victims about domestic violence and the remedies that may be available. Information in the appropriate language can be disseminated in written form and broadcast on local television and radio stations. Groups can work together to organize public awareness campaigns. Flyers can be distributed in health centers, neighborhood stores, cultural centers, places of worship, and English-as-a-second-language classes.

### Conclusion

North Carolina's domestic violence statute serves to protect victims of domestic violence and is available to all who suffer from family violence, irrespective of immigration status. With the passage of VAWA, Congress acknowledged that "specific social and economic conditions, lifestyle, language, and culture of any particular group of women may drastically affect their access to legal remedies and their ability to end the abuse."<sup>28</sup> VAWA's legal remedies will remain underused, however, without strategies that incorporate state remedies and the resources and talents of organizations working to assist battered immigrants. In North Carolina the foundations exist for forging alliances to protect victims of domestic violence. What now is required is education, cross-disciplinary training, and a commitment to provide culturally sensitive services to victims of domestic violence of any national origin, language, and immigration status.