Domestic Violence and Asian American Women

Prevalence of Domestic Violence Against Asian American Women

A woman is physically battered every nine seconds in the United States. One out of three women reports physical abuse at the hands of an intimate partner at least once in their lives. Every year, an estimated 1.5 to 3.9 million women are physically abused by their partners. In all intimate relationships, both heterosexual and lesbian, domestic violence occurs 20 to 25% of the time. Domestic violence occurs in every community regardless of race, ethnicity, class, or sexual orientation. Yet, domestic violence is an underreported crime.

For Asian American communities, the paucity of data makes it even more difficult to estimate the prevalence of partner abuse. This report extrapolates from the few specific studies that do exist. The studies indicate that domestic violence is at least as prevalent in the Asian American population as the general American population and may be higher in certain Asian subgroups. For example, in Chicago, a survey of 150 Korean women found that 60% reported physical abuse. The data also suggests that Asian American women may be at higher risk for fatalities related to domestic violence than women in the general population.

In Boston, a survey of men and women from the Cambodian, Chinese, Korean, South Asian, and Vietnamese communities found that 38% of respondents reported knowing a woman who had been physically abused or injured by her partner. A focus group with Southeast Asian Chinese estimated that 20-30% of Chinese husbands hit their wives. A Northern California survey found that 25% of Filipinas had experienced domestic violence in the Philippines, the US, or both.

Research indicates a higher incidence of domestic violence among military families. Advocates in Hawai'i, which has a large military base population, have noticed that Asian immigrant women married to US servicemen have fewer financial and social resources, suffer from prejudices against interracial marriages, and are especially vulnerable to abuse. As described in Chapter Two of this report, domestic violence against women in servile marriages may be higher than in the general population.

For example, Santa Clara County in California is comprised of 17.5% Asians. However, between 1994 and 1997, almost one-third of the 51 deaths related to domestic violence occurred among Asian women, the highest of any ethnic group. In Massachusetts, Asians constituted three percent of the population. However, in 1997, 18% of Massachusetts residents killed as a result of domestic violence were Asian.

Safety Needs Neglected

What accounts for the higher fatality rates related to domestic violence for Asian American women? Why are the safety needs of Asian American women not being met by the systems that exist? To date, there has been no research to answer these questions. We do know that Asian American women in abusive relationships face different challenges than white women who speak English and are American citizens, for whom most shelter and outreach programs are designed. Asian American women, the majority of whom are foreign-born immigrants with different languages and cultures, experience numerous institutional barriers to seeking safety. The categories of safety-related challenges particular to Asian American women—ill-equipped shelter programs, language barriers, laws that discriminate against immigrants, cultural values that lead to violent behavior, and barriers to safety for Asian American lesbians-are described below.

Lack of Culturally and Linguistically Accessible Services

▶ 1. Limited and Inadequate Shelter Space

Shelter space in general is limited, but those with the capacity to serve Asian women's language needs and who make their facilities culturally supportive for an immigrant women are in extremely short supply. In Massachusetts, out of 35 women's shelters, only two have Asians on staff. Some shelters do not accept non-English speaking women at all. The Asian Women's Shelter (AWS) in San Francisco has the capacity to help non-English-speakers but is forced to turn away 600 individuals each year. This number represents 75% of the women who contact the clinic. Moreover, mainstream women's shelters are not designed for women with more than one or two kids. Hmong women in the St. Paul/Minneapolis area

Mainstream shelters are designed in dormitory styles with congregated dining that is alienating to Asian women used to cooking their own foods, feeding their own children, and keeping their children with them most of the time. Additionally, Asian women have a difficult time following mainstream shelters' programs and procedures, such as participating in shelter chores selection, because of their inability to communicate with staff and other residents. They also report feeling very lost when they were forbidden to have any contacts with their mothers who have traditionally been their source of support.

who have larger than average families were not able to make use of most shelters until Asian Women United designed a shelter to accommodate larger families. Asian Health Services, an Oakland community health clinic, believes that these institutional barriers are so formidable that only two out of 10 Asian American women patients who experience abuse actually find refuge in a shelter. This ratio is low compared to the mainstream population.

► 2. Lack of Accurate Interpretation

Police who respond to domestic violence calls are seldom bilingual and often do not bring interpreters with them. They seek to communicate with someone who speaks English and that is often the husband. As a result, in many cases the Asian woman's story goes unheard. In some instances, children, family, and friends have inappropriately been asked to interpret. When those close to the situation have judgmental attitudes and/or fear retaliation by the abuser, they often engage in victim-blaming and are unable to accurately or completely convey the women's perspective. An example of the tragic results of inadequate translation occurred in the state of Washington. A battered woman's estranged husband threatened her with a gun, with the intention to kill her. Because of the lack of adequate translation, the abuser was never prosecuted because the police did not obtain statements from the victim and two witnesses with sufficient detail for the prosecutor to proceed. A year after the incident, the abuser killed his wife.

In addition, many Asian women come from countries where police and other institutions do not respond to domestic disputes, which contributes to the lack of reporting. Moreover, the US criminal justice system is viewed as discriminatory toward immigrants, people of color, and other minorities and this also creates negative perceptions that prevent women from seeking police protection when necessary.

▶ 3. Lack of Services for Batterers

In most parts of the US, linguistically and culturally accessible intervention programs for batterers from the Asiań community do not exist. Court sentences for batterers that require mandatory participation in such programs are rendered meaningless if no such program exists in the batterers native tongue.

Court sentences that involve serving time and mandatory participation in intervention programs are often insufficient to convey the gravity of the crime to the batterer. In addition, there needs to be culturally relevant sentencing. For example, in the Hmong community, when clan elders resolve domestic violence cases through the mediation process, they may order the husband to hire a shaman for a soul-calling ceremony to heal the wife. When a wife has been abused, the soul leaves her body because it has been mistreated. When the soul is not well, the body is not well. In a soul-calling ceremony, a shaman calls the soul back to the body.

Laws That Traps Asian Women in Violent Domestic Situations

► 1. Anti-Immigrant Legislation

Anti-immigration legislation poses the most difficult barrier to Asian immigrant women seeking safety. Prior to 1986, a US citizen husband could petition for and obtain lawful permanent residence status (a green card) for his immigrant wife immediately after marriage. However, in 1986 Congress enacted the Immigration Marriage Fraud Amendments (IMFA) that created a new conditional residence status requiring that an immigrant spouse must stay married to a citizen spouse for two years. At the end of two years, the partners must file a joint application to adjust the conditional status to permanent status. As a result, some immigrant women were trapped in violent domestic situations, unable to leave out of fear that their husbands would become unwilling to cooperate in jointly filing the application, thereby rendering them undocumented and thus subject to deportation at the end of the two years.

In 1990, Congress enacted the Battered Spouse Waiver to remedy the unintended consequences of the 1986 law after powerful documentation of the physical, emotional, and economic abuses suffered by battered immigrant women was brought to light. The Battered Spouse Waver allowed a battered immigrant woman to leave her US citizen husband and "self-petition" for lawful permanent residence without the cooperation of her husband. In 1994, Congress enacted the Violence Against Women Act (VAWA) to provide broader protections to immigrant women, allowing any woman, documented or undocumented, married to a citizen or green card holder to self-petition if she is a victim of domestic violence. When VAWA was reauthorized by Congress in 2000, other barriers to the self-petition process were removed. These included allowing divorced spouses to self-petition, allowing abused wives living abroad to self-petition if married to employees of the government or US military, and eliminating the requirement to show extreme hardship to her or her children if deported to her home country.

▶ 2. Limitations of the Battered Spouse Waiver and VAWA

The Battered Spouse Waver and VAWA have been on the books for twelve to eight years respectively. However, because of lack of education and outreach, many monolingual women are unaware of these legal protections. Many women are under the impression that their batterers have complete control over their immi-

VAWA 2000's other provisions allow self-petitioning by women whose abuser husbands die or lose their immigration status or whose husbands have committed bigamy. In addition, VAWA 2000 also created a new visa, the U visa, for women not covered by VAWA, such as battered wives of men holding temporary worker visas or student visas and victims of sexual and other crimes, such as rape and torture. However, it is more difficult to obtain relief through the U visa than through VAWA's self-petitioning process because the woman must show substantial physical or emotional abuse.

gration status and continue to live in dangerous and violent domestic situations. In addition, there are not enough attorneys trained in immigration law, family law, and domestic violence law to deal with the most complicated VAWA cases, especially those involving undocumented women. Even when a woman self-petitions, she may not get the relief she seeks.

An attorney from the Asian Law Caucus in San Francisco found that Asian immigrant women have difficulty meeting the documentation requirements for self-petitioning. For example, in order to self-petition for permanent residence status after leaving an abusive husband, immigrant woman must document the abuse through either police reports or protective orders, record of time spent at a shelter, or affidavits from friends. The extreme isolation of many Asian immigrant women, their lack of awareness of the availability of shelter programs or police protection, and the language barriers to obtaining assistance from them, make it difficult for them to use these channels to document the abuse. In addition, because the crime of domestic violence is a deportable offense, some Asian immigrant women hesitate to report their batterers to law enforcement. These women often must use only their own declarations and rely on the discretion of INS officers. But an advocate who tracks VAWA cases nationally notes that the INS has a great deal of discretion in hearing a case, and even if the woman's declaration is legally sufficient, many INS officers in local district offices are not sympathetic to the plight of battered immigrant women.

▶ 3. Restrictions Created by Welfare Reform

Welfare reform has resulted in serious financial barriers to Asian immigrant women seeking safety. Recognizing that welfare programs serve as an essential bridge to safety for women fleeing domestic abuse, Congress created exceptions for battered immigrant women. For example, a battered immigrant woman, even if she is undocumented, is eligible for public benefits when she has a pending VAWA or family sponsored petition. Battered women are also exempted from the "sponsor deeming" requirements. Congress also created the Family Violence Option (FVO), which allows states to exempt a battered woman from TANF work requirements if meeting these requirements would make it more difficult for the woman to escape an abusive situation. FVO also permits the clock on the five-year lifetime cap to stop running until the woman is safe. Under FVO, a state can waive the paternity establishment and child support requirements. However, the widespread, erroneous impressions among both caseworkers and battered women themselves that "immigrants aren't entitled to any benefits anymore" have kept battered women from applying and caseworkers from accepting applications. There is anecdotal evidence that caseworkers ignorant of FVO provisions have sanctioned battered women for not complying with job search and work requirements, and thus reducing or terminating their benefits. In addition and as described in Chapter One of this report, fear of mandatory reporting to INS and

fear of becoming a deportable public charge has also kept eligible Asian immigrants from applying for public benefits.

Without a safety net to keep them from falling into dire circumstances if they leave the batterer, women remain in dangerous and violent situations. In a report by the Family Violence Prevention Fund that chronicles the effects of welfare reform, an advocate from Massachusetts relays:

"Many women are afraid to apply for benefits because of the public charge issue. We've heard of cases where someone received benefits only briefly-just for the time it took to leave a dangerous relationship-and was denied legal permanent residency by the INS and put into deportation proceedings. To many women, it just doesn't seem worth it."

Welfare reform has also resulted in shelters mistakenly believing that it is unlawful to provide services to undocumented women and thus increasingly denying services to battered immigrant women. In fact, emergency medical care and shelters continue to be available to everyone, regardless of immigration status. Some shelters also believe that their funding streams preclude them from serving immigrant women when in fact federal domestic violence funding carries no such restrictions. Given the limited number of beds, some shelters have chosen to provide services only where there is a guarantee of public benefits reimbursement and to deny these services to immigrant women whose eligibility for public benefits are in doubt. One Asian women's shelter director suspects that instead of fund-raising to increase language capacity and transitional programs specifically needed by immigrant women, these shelters justify discriminating against Asian immigrant women by simply stating that their programs cannot serve their needs.

Cultural Norms and Values That Lead to Violent Behavior

▶ 1. Acceptance of Violence Against Women

A survey conducted by the Boston Asian Task Force revealed that 20-25% of the respondents from the Cambodian, Chinese, Korean, South Asian, and Vietnamese communities surveyed thought that violence against a woman was justifiable in certain domestic disputes. The report also found that a higher number of Asian men than women condone family violence. Among Korean respondents, 29%

INS's May 1999 guidelines state that use of non-cash benefits such as Medicaid and food stamps does not make one a public charge. VAWA 2000 barred the INS from finding a woman a public charge based on her use of non-cash benefits that she is legally qualified to use.

Family Violence Prevention Fund, "Caught at the Public Policy Crossroads: The Impact of Welfare Reform on Battered Immigrant Women," January 1999.

(the highest percentage among the five ethnic groups surveyed) felt that a battered woman should not tell anyone. In general, Cambodian and Vietnamese respondents believe that a battered woman should not leave or divorce her husband. South Asian respondents felt that the woman in marriage becomes her husband's property and thus she cannot turn to her family and/or parents to ask them to intervene. Older Chinese respondents were more tolerant of the use of violence in certain situations, and younger Chinese were less likely to see leaving and divorce as viable options for battered women. Response patterns were similar between the foreign-born and US-born. Moreover, these attitudes permeate all sectors of a community, including those who are supposed to protect battered women. One legal advocate who represents battered women in Hawai'i was dismayed to hear female interpreters at an immigrant social service agency siding with a particularly violent batterer on the grounds that his estranged wife was pregnant by another man.

In the home countries of many Asian women, extended families often exert collective pressure to prevent abuse of wives. However, migration to the US broke up extended families and changed social practices to the detriment of women who often rank lowest in the family structure. In some communities this has resulted in the perversion of extended families from protector to perpetrator. NARIKA, a South Asian domestic violence resource center in Berkeley, has reported that there are cases where entire families, extended and joint, get involved in abusing a woman, with some members holding her down while others do the hitting. Therefore, conventional legal restraints, such as protective orders against the lone male abuser, are of limited use-when there are multiple perpetrators-including inlaws and other women in the family.

► 2. Cultural Emphasis on Preserving Family

The notion of having to preserve the family and "save face" often makes Asian women more hesitant to leave and break up the family. Women in abusive marriages are frequently blamed for not behaving or told to tolerate the abuse in order to save face for the entire family or clan. Because certain Asian communities are small and close-knit, victim advocates from the communities often face harassment and threats from the abuser and the family for helping women leave the relationship and upsetting the social order. Also, this pronounced belief in the sanctity of the family even in the face of violent victimization, combined with a cultural antipathy toward divorce, makes it more difficult for white shelter workers and advocates to provide support and understanding to Asian women. As the Boston-based Asian Task Force against Domestic Violence notes, "One of the biggest and most important challenges to addressing family violence within Asian communities is reconciling the differences between Western ideals of independence and individualism with Asian ideals of interdependence and group harmony."

In addition, the traditional Asian gender roles of male providers and female homemakers are often disrupted by the American economy that requires both partners to work outside the home. As described in Chapter Eight, while this has been liberating for some Asian women, women's economic independence is seen

as a threat to social orders that privilege men and has, in some communities, contributed to a rise in domestic violence.

► 3. Transforming Culture

Culture is not static, fixed, and unchangeable. Norms, values, and beliefs are constructed in the interchanges between and among people within cultural groups and are constantly evolving. As Asian immigrants, it can be threatening in light of changes forced by relocating to the United States, to think that cultures must also be changed from within. Who will we be then? Will we disappear as a distinct social group? There are aspects of Asian cultures that are worthy of saving and passing on. There are others that must be transformed in order to honor basic human rights-in this case, the right of women to be free from domestic violence." In Asian American communities for example, the emphasis on preservation of the family is worthy but must be transformed so that it is achieved not by pressuring women into staying in violent situations, but by changing the cultural and social cues that sanction men's use of violence to control women. Thus, a number of Asian women shelters and outreach groups frame their organizing work as "work to perpetuate the core values of each Asian community that are positive and to eliminate those parts that are no longer useful or healthy."

Battered Queer Asian American Women

Domestic violence is equally prevalent in queer Asian women's relationships. However, there is little research and data on same-gender relationship violence and what does exist tends to underreport the incidents involving queer Asian women." There are several causes for this underreporting. In 1998 national and local focus groups held by the Family Violence Prevention Fund and the San Francisco-based Asian Women's Shelter, queer Asian women divulged that they did

See Julia L. Perilla, "Domestic Violence as a Human Rights Issue: The Case of Immigrant Latinos," reprinted from Hispanic Journal of Behavioral Sciences, Vol. 21, No. 2, May 1999, pp. 107-133.

The term queer is controversial within the lesbian/gay/bisexual/transgender (LGBT) community. However, many LGBTs have reclaimed "queer" as a positive term. This report uses it to encompass the diversity of the LGBT community.

In both national and local focus groups of queer Asian women held by the Family Violence Prevention Fund and the San Francisco based Asian Women's Shelter, survivors expressed discomfort with the label of domestic violence and preferred the term relationship violence to describe violence in queer relationships.

In October 2000, the National Coalition of Anti-Violence Programs issued a report that there were over 3,000 cases of LGBT domestic violence (47% female, 50% male survivors) throughout the US, with 1,356 cases in Los Angeles, 741 in San Francisco, and 510 in New York. For San Francisco, 75% of the cases involved whites and 25% people of color, including Asian Americans.

not feel safe reporting relationship violence to the police or authorities. They feared that disclosing oneself as a lesbian being abused by another lesbian may subject them to further abuse at hands of the police. Many were hesitant to access service providers due to sexism, racism, homophobia, language and cultural barriers, and fear of disbelief among service providers. Queer Asian women often do not feel safe even speaking to friends. They may also hesitate to report their abusive partner because they do not want to further isolate a woman who is already marginalized by society or subject her to a homophobic, racist legal system and its consequences.

Even when abused queer Asian women seek help, they find that the vast majority of domestic violence agencies are not able to meet their needs. One factor is that the domestic violence movement does not acknowledge same gender relationship violence. The mainstream domestic violence movement understands violence as a patriarchal phenomenon, deriving from sexism, with men using violence to control women. Within the queer women's community, it is not always the more masculine, or butch, woman that is the abuser. Women can be survivors and batterers. The typical response of mainstream domestic violence agencies' is to ostracize the batterer. But banishing the abuser from a small, marginalized queer Asian community is akin to cutting her off from her only family members. Agencies do not have programs that assist both the batterer and survivor. The San Francisco shelter is the only program with a Queer Asian Women Services project.

The Organizations

The Shelter Programs

Since the first shelter program for Asian American women and children started in Los Angeles in 1981, six other Asian women's shelters have emerged across the country along with over a dozen outreach, education and hotline programs for Asian women. The majority of these were started by and for South Asian women. These include organizations such as Apna Gar ("our home" in Hindi-Urdu), Manavi ("primal woman" in Sanskrit), the Nav Nirmaan Foundation, Inc., the New York Asian Women's Center, Raksha ("protection" in several languages), Pragati ("progress") and Sakhi ("women's friend").

The handful of shelters that are available cannot meet the needs of Asian American women, especially limited-English speaking women, in their regions,

The seven shelters are the Asian Women's Home in San Jose, the Asian Women's Shelter in San Francisco, the Asian Women United in Minneapolis/St.Paul, the Center for Pacific Asian Families in Los Angeles, the New Moon Shelter in Boston, Apna Ghar in Chicago, and the New York Asian Women's Center. There are also programs within larger shelter programs like the Asian Unit of Interval House in Long Beach/Orange County, CA. In Atlanta, Georgia, the International Women's House serves women who do not speak English, including Asian immigrant women.

let alone the country. All these groups and shelters conduct some form of community education and outreach as part of their prevention activities to address the root causes of domestic violence. Shelters have conducted local advocacy, such as pressuring police departments to hire interpreters or working with them on protocols on handling domestic violence calls in Asian communities. Not until 1997 was the first large national pan-Asian conference convened in California that brought together 400 service providers and activists from across the country. Since then, other conferences have been held, such as one for Koreans in Los Angeles, South Asians in New York, and a pan-Asian conference in Ohio. With such limited capacity, locally based shelters and programs have relied on coalitions such as the National Network on Behalf of Battered Immigrant Women to conduct the statewide and nationally advocacy needed to address the unique challenges Asian women face, when and if those challenges dovetail with the agenda of these broader coalitions.

Coalition Work

In 2000, as a means to address the lack of a national Asian American battered women's advocacy organization, the San Francisco-based Asian Women's Shelter, the Asian & Pacific Islander American Health Forum, the Family Violence Prevention Fund, and the National Resource Center on Domestic Violence, launched the Asian and Pacific Islander Domestic Violence Institute (APIDVI). The mission of APIDVI is to advocate for policy changes and increased ethnicity specific data collection, facilitate the sharing of service models for battered Asian women and children, and promote national discussions on differing Asian community perceptions of domestic violence, community responses to the problem and the intersecting cultural values. Since the formation of APIDVI, all the various Asian women's shelters and domestic violence programs have become members. Based on evidence of higher fatality rates among battered Asian women, its first research project is a fatality review of deaths of Asian and Pacific Islander women in major urban centers like Chicago, Santa Clara, San Francisco, and Boston. Its first advocacy project will focus on getting police departments to disaggregate fatality data by ethnicity because most departments simply put Asians under the "Other" category after "White", "Black" and "Hispanic." The APIDVI advocacy will focus on two areas: Welfare Reform and Cultural Competency as they relate to domestic violence. This work will be conducted by working groups consisting of its member organizations and coordinated by APIDVI staff. Initial funding came from the US Department of Health and Human Services.

The National Network is made up of three groups, the Family Violence Prevention Fund, the Immigrant Women Program of NOW Legal Defense Fund (formerly housed at AYUDA, Inc.), and the National Immigration Project of the National Lawyer's Guild.

Transformative Initiatives

An example of work to transform local community attitudes on domestic violence in the Korean community is the SHIMTUH project-a joint project between the Asian Women's Shelter in San Francisco and the Korean Community Center of the East Bay. SHIMTUH has direct service, outreach, and organizing components. It reaches out to the social networks, structures, and institutions in the Korean community to transform cultural norms. Through cultural events, drumming, singing, working with the Korean press, and outreach to indigenous Korean religious institutions, SHIMTUH engages in public dialogue with religious leaders and others to influence more and more spheres in the community. Another example is the Family Violence Prevention Fund's reframing of the concept of "hiya" or shame in the Filipino community. In a poster campaign, the FVPF introduced the concept of "nakakahiya"-a woman should not feel ashamed for having bruises and being beaten, and the community should be ashamed for not helping her.

One example of work among immigrant men is the Tapestri Men's Group, a project of the Refugee's Women's Network, Inc. in Atlanta, Georgia. Tapestri's philosophy is twofold. First, it believes that cultural norms are not immutable and can evolve. Second, it views the violence of men not as an individual pathology amenable to counseling or therapeutic intervention in one-on-one sessions, but rather as a social malaise where a man has learned through modeling at home and in society that the use of violence against women is an accepted way of resolving differences. Thus, Tapestri does not provide anger management because it views men's violence against women not as an angry man out of control, but as a man who chooses to be violent to control his partner.

In the men's groups where Asian, Latino, Caribbean, African, and East European men have participated, the transformative and re-education work takes place not by experts imparting information top down to batterers, but through a process where men themselves critically explore, in an atmosphere of mutual respect and horizontal relationships, the antecedents, dynamics, and effects of their violent behaviors, values, and expectations. In the process, men's views of themselves and their roles as partners and fathers are transformed, gender identities are de-constructed and re-constructed, and the men become agents of change in their communities. The Tapestri Men's Group and others like it were created when domestic violence survivors, who did not want to leave their marriages, requested intervention programs for their husbands. As the men participate in the 24-week program, women advocates from Tapestri work with their wives to provide support, ensure that they are not in danger, and monitor the progress being made by the men.

Recommendations for Action

- ▶ Address racism, homophobia, and xenophobia within social service and law enforcement agencies that deal with battered Asian American women.
- ▶ Increase language access to all services needed by battered women through hiring of interpreters and bilingual staff and creating culturally competent services in police departments, shelters, and counseling and court intervention programs for men.
- ► Eliminate barriers to public benefits such as the chilling effects of mandatory reporting to the INS, fear of being designated a public charge, and hostile caseworkers.
- ▶ Train eligibility caseworkers on the exceptions for battered women, the Family Violence Option in TANF, and the myriad categories of immigrants to correct the widespread erroneous perception that immigrants are no longer eligible for benefits.
- ► Educate both government agencies and social service providers and immigrant women to understand and utilize the protective provisions in VAWA
- ▶ Repeal the conditional residence status that has trapped women in violent homes and which the passage of VAWA simply will not fix.
- ▶ Address and transform cultural norms that accept violence against women as a means of discipline or control. This includes creating programs for both female and male Asian American batterers.
- ► Conduct studies on relationship violence in queer Asian women communities. Redefine domestic violence theories to include same gender relationship violence.

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