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Enhancing Legal Protections for Immigrants Who Are Victims of Domestic Violence in the U.S.

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Psychology
May, 2017

Faculty Adviser: Dr. Rachel M. Hershberg

Essay completed in partial fulfillment of the requirements for graduation with Global Honors,
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Director, Global Honors

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I have experienced a lifetime of domestic violence and abuse. I have been called “worthless,” “stupid,” “bitch,” “crazy,” and other insults, which are considered verbal abuse. I had bruises all over my body. I was dragged by my hair through the house. My head was smashed open when I was 16 years old, and was also bashed into the bedroom wall numerous times 10 years later. I have been pushed, slapped, hit, punched, and beaten, which are types of physical abuse. I have also been raped by intimate partners, which is a form of sexual abuse. Verbal abuse, physical abuse, and sexual abuse are types of domestic violence.

I have learned to “walk on eggshells,” always hypervigilant of my surroundings and terrified about what could happen next. I have suffered horrific domestic violence, and I suffered in silence. I feared what would happen if I spoke up and told others what was happening within the walls of my home. I was threatened and beaten into remaining silent, especially when I was married to a police officer. I became fearful of law enforcement and learned that legal protections were inadequate for victims of domestic violence.

I am still fearful of law enforcement because I am currently married to an undocumented immigrant who has a final order of deportation and is one of the eleven million undocumented immigrants the Trump administration wants to deport (Gomez, 2017; Jacobo & Pearle, 2017). I have helplessly witnessed my husband’s psychological response from his fear of deportation, which is heartbreaking to watch. Despite being a victim of domestic violence, I refused to call 9-1-1 for help during emergencies because I feared law enforcement officers would arrest and hold my husband until Immigration and Customs Enforcement (ICE) officers detained and deported him to Dakar, Senegal in West Africa, which is more than 6,000 miles away from me. Recently a third party, who knew about the domestic violence and my fear of deportation, called 9-1-1 to help me. I was reassured by a police officer that my husband would not be detained and deported

if I sought a temporary protection order while our situation cooled off. However, Department of Homeland Security's ICE officers planned to deport my husband sooner than later because of the domestic violence and temporary protection order. My fear was justified, and I am emotionally devastated. Getting out of bed each day is a huge challenge for me. My experiences with domestic violence, legal protections, and immigration fueled my capstone thesis topic and research question: How well do laws and policies protect immigrant women who are victims of domestic violence?

After reading several news articles about immigrants who are victims of domestic violence, and personally experiencing domestic violence, I wanted to learn more about the legal protections that are supposed to protect this vulnerable population, so I planned to complete an extensive literature review.

Additionally, through an internship at Tacoma Community House I learned that although there are law and policies designed to protect immigrant women who are victims of domestic violence in the U.S., these women experience barriers to accessing and using these resources. I wanted to acquire more information about these barriers, and what could be done to address them so that immigrant women receive the protections to which they are entitled, which could enable them to leave dangerous relationships filled with domestic violence. Accordingly, I decided to investigate these barriers more systematically through an in-depth review of literature on policies aimed at protecting victims of domestic violence, and the psychosocial experiences of immigrants who experience domestic violence. I also wanted to attain information on the actual processes that immigrant women who experience domestic violence go through in the State of Washington, and examine the extent to which these realities reflect some of the literature and previous research. Therefore, I planned to conduct Institutional Review Board (IRB) approved,

semi-structured interviews with key stakeholders involved in the legal processes related to protecting immigrant women who experience domestic violence in Washington State. I also planned to conduct a brief content analysis of the data that would be collected during the internship at Tacoma Community House and interviews of key stakeholders. I then used a qualitative data analysis to determine key themes that were common between the literature review, internship, and interviews. These key themes will be used to determine the best solutions for enhancing legal protections for immigrants who are victims of domestic violence in the U.S., more specifically the State of Washington.

In the next section, I present some of the literature I reviewed that set the stage for this study. Specifically, before presenting the method for the investigation, I describe domestic violence, immigrants, and how Federal policies affect immigrants who are victims of domestic violence. Furthermore, I will provide information about (1) legal terms and definitions, (2) policies of relevance to understanding domestic violence among immigrant women, and (3) a review of some of the research on psychosocial well-being among immigrants who experience domestic violence.

Literature Review

Before reviewing the policies and research related to immigrants who experienced domestic violence in the U.S., it is important to define domestic violence and distinguish domestic violence from other forms of violence that may also be related to the experiences of immigrants.

Legal Terms and Definitions

Domestic Violence. Domestic violence includes “physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person” (United States

Department of Justice, 2015b). Furthermore, domestic violence is defined as “any pattern of coercive behavior that is used by the person to gain power and control over a current or former intimate partner or dating partner” (Tacoma Community House, 2015, p. 2).

In the United States, it has been reported that “95% of [domestic violence] victims are women” (YWCA Pierce County, 2015, para. 3). In addition, nearly 1 in 4 women in the U.S. have suffered severe physical violence by an intimate partner (United States Department of Justice, 2015a). In Washington, more than 47,000 domestic violence offenses were reported to the Washington Association of Sheriffs and Police Chiefs during 2011, and Pierce County had the highest rate of reported domestic violence in the state (Washington State Department of Health, 2011).

Women of all backgrounds and demographics are victims of domestic violence. These victims include different races, nationalities, ethnicities, socioeconomic classes, education levels, and ages. Domestic violence victims are U.S. citizens and noncitizens. Among immigrants, “women...can be particularly vulnerable to criminal activity like...domestic violence...due to a variety of factors, including but not limited to: language barriers, lack of understanding of U.S. laws, [and] fear of deportation” (Tacoma Community House, 2015, p. 4). Domestic violence is a global problem, especially for at-risk, vulnerable immigrants.

Immigrants. Use of the term “immigrant” has increased in the media since the most recent presidential election. There has also been an increase in the awareness of mass deportations of immigrants in the United States, including in Seattle and Tacoma, Washington. Furthermore, the anti-immigrant climate in the U.S. has worsened since Donald J. Trump was elected President of the United States. So, what is an immigrant?

The United States Citizenship and Immigration Service (USCIS) “is one of the new bureaus under the Dept of Homeland Security, which replaced the INS in 2003. The USCIS is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities” (Northwest Immigrant Rights Project, 2017, para. 16). The USCIS website includes a “Glossary” of citizenship and immigration definitions. However, the “Glossary” does not include a definition for “immigrant” (United States Citizenship and Immigration Services, n.d.).

The Department of Homeland Security (DHS) website includes a “Definition of Terms,” which provides the instruction “See Permanent Resident Alien” for the definition of “immigrant” (2016). Furthermore, the Department of Homeland Security’s definition of “Permanent Resident Alien” is:

An alien admitted to the United States as a lawful permanent resident. Permanent residents are also commonly referred to as immigrants; however, the Immigration and Nationality Act (INA) broadly defines an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories (INA section 101(a) (15)). An illegal alien who entered the United States without inspection, for example, would be strictly defined as an immigrant under the INA but is not a permanent resident alien. Lawful permanent residents are legally accorded the privilege of residing permanently in the United States. They may be issued immigrant visas by the Department of State overseas or adjusted to permanent resident status by the Department of Homeland Security in the United States. (para. 4)

The DHS (n.d.) “Glossary” includes a definition for “INA,” which “along with other immigration laws, treaties, and conventions of the United States, relates to the immigration,

temporary admission, naturalization, and removal of aliens” (Department of Homeland Security, n.d.). However, the DHS and USCIS websites do not provide a clear definition of “immigrant.” Eventually, I located a legal definition: under U.S. immigration law, an immigrant is a noncitizen who is lawfully admitted to stay in the United States on a permanent basis (Lopez & Lopez, 2009). However, colloquially and in this paper, the term “immigrant” is used to refer to any foreign-born individual residing in the U.S.

Most immigrants in Pierce County are of Hispanic decent (Tacoma Community House, internship, 2016). Many of these immigrants face additional struggles because of their undocumented status (Tacoma Community House, internship, 2016). Some of these struggles are related to seeking protection from experiences of domestic violence, which may intersect with challenges immigrant women experience in general when resettling in the State of Washington. Immigrant women who are domestic violence victims have a right to receive immigration relief if they report domestic violence and cooperate with law enforcement (Tacoma Community House, internship, 2016). However, the limited research in this area suggests the rate of immigrant women who are receiving such relief is disproportionate to the number of women who experience domestic violence. The statistics from Tacoma Community House that shows these disproportionate numbers are included in the Results section.

Legal Policies, Protections, and Resources

The Office on Violence Against Women (OVW) is the legal resource that was reviewed for this study. Additionally, the legal protections that were reviewed for this study include the Violence Against Women Act (VAWA), the Victims of Trafficking and Violence Prevention Act (VTVPA), and the U visa program.

Office on Violence Against Women (OVW). The OVW was established in 1995 under VAWA and subsequent legislation (United States Department of Justice, 2017). This Federal office administers “assistance to communities across the country that are developing programs, policies, and practices aimed at ending domestic violence, dating violence, and sexual assault” (United States Department of Justice, 2017, para. 4). The OVW administers grant programs, which “work to support victims and hold perpetrators accountable through promoting a coordinated community response” (United States Department of Justice, 2017, para. 5). Funding is awarded to numerous agencies, including non-profit and community-based organizations that “develop effective responses to violence against women through activities that include direct services...legal assistance to victims...and training for law enforcement and courts” (United States Department of Justice, 2017, para. 6). “The recipients of funding work with specific populations” (United States Department of Justice, 2017, para. 6), such as immigrants who are victims of domestic violence.

Violence Against Women Act (VAWA). The Violence Against Women Act (VAWA) was designed to improve criminal justice responses to sexual assault, domestic violence, and dating violence, and to increase the availability of services for victims and survivors (Jensen, 2009; United States Department of Justice, 2017). This Federal Act “was first passed by Congress in 1994, and was reauthorized in 2000, 2005, and 2013. Each reauthorization has made the law stronger and more inclusive” (United States Department of Justice, 2016, para. 8). The “VAWA was borne out of the need for a national solution to respond appropriately to violent crimes against women” (United States Department of Justice, 2017, para. 3). “This Act enhances the investigation and prosecution of violent crimes against women” (United States Department of Justice, 2017, para. 3).

Victims of Trafficking and Violence Prevention Act (VTVPA). “During 2000, Congress passed the Victims of Trafficking and Violence Protection Act (VTVPA)” (Northwest Immigrant Rights Project, 2017). The VTVPA is a Federal Act that “was enacted to strengthen the ability of law enforcement agencies to investigate and prosecute serious crimes, while offering protections to victims of such crimes without the immediate risk of being removed [deported] from the country” (Department of Homeland Security, n.d., p. 4). Part of the Victims of Trafficking and Violence Prevention Act is the U visa program, which offers immigration relief to immigrants who are victims of violent crimes, including domestic violence (Department of Homeland Security, n.d.). “The VTVPA created a special nonimmigrant classification designated as the U visa for victims of specific crimes who assist law enforcement with the investigation and/or prosecution of the crime” (Northwest Immigrant Rights Project, 2017).

U visa program. The U visa program was put in place to encourage immigrants who are victims of violent crimes, including domestic violence, to cooperate with law enforcement and report violent crimes (Department of Homeland Security, n.d.). As part of the U visa program, the victim is required to report the violent crime to law enforcement, cooperate with law enforcement and prosecutors, and request a U visa certification form that is a requirement for the U visa application (Department of Homeland Security, n.d.).

The U visa program is part of the VTVPA and the Immigration and Nationality Act (INA), specifically the “inter alia, section 101(a) (15) (U)” (Grant, 2013, p. 255). This special visa is a type of immigration relief for immigrants who are victims of violent crimes, including domestic violence (Hanson, 2010). “The U visa allows eligible victims to temporarily remain and work in the United States” (Department of Homeland Security, n.d.), and was developed to help law enforcement officers prosecute and convict more violent criminals and to encourage

undocumented immigrant victims to report crimes (Hanson, 2010, p. 180). “If an undocumented victim of domestic violence is aware that the U-visa is available, it may alleviate...fear of going to the police” (Hanson, 2010, p. 180).

“Under current U Visa regulations, local-level police officers have ‘the discretion that matters’ (Motomura 2011) in this legal context because they may endorse immigrants’ certifications...or they may refuse certification” (Lakhani, 2014, p. 644). “Officers may be wary of certifying cases if they are suspicious of legalization efforts by immigrants whose very presence in the country is illegal. Officers may also be unsure of the significance of their signatures in the new U Visa application process” (Lakhani, 2014, p. 646). Lack of knowledge and anti-immigration opinions of designated certifiers negatively affect an immigrant victim’s acquisition of the U visa certification form (Jensen, 2009).

Psychosocial Challenges

According to some of the research with immigrant women, reasons why many may not cooperate with law enforcement or report abuse include “lack of knowledge...about the U.S. legal system coupled with language and economic barriers” (Moynihan, Gaboury, & Onken, 2008, p. 128). Recently, the constant fear of deportation has been found to deter immigrants from working with law enforcement (Abrams, 2010).

There is also a fear of the unknown when contacting law enforcement for help because there are differing outcomes depending on the location of the call for help and the law enforcement officer who responds to the call (Abrams, 2010). Immigrants are reluctant to report domestic violence especially because of their fear of deportation, fear of being detained despite being the victim, fear the perpetrator will not be convicted and will seek retaliation, and fear of

not receiving the U visa certification from law enforcement despite reporting a violent crime and cooperating with law enforcement (Abrams, 2010).

Undocumented women are afraid to report domestic violence because they are fearful of arrest and deportation (Lakhani, 2014, p. 648; Hanson, 2010), and perceive law enforcement as a threat (Hanson, 2010, p. 179). Their fears are real because victims of domestic violence have been arrested and detained because of their undocumented status (Lakhani, 2014).

Current Investigation

Drawing on these policies and the literature reviewed above, I conducted a study of barriers immigrant women who experience domestic violence might face while accessing legal protections, with a focus on Pierce County. Below, the Method for this investigation is described, followed by a Discussion of implications for improving and enhancing legal protections for immigrant women who are victims of domestic violence in Washington State.

Method

Participants

To identify potential participants, I first developed a list of twenty-four individuals in Washington State across four stakeholder groups of relevance to this investigation. Groups included people working with the Legal System, Domestic Violence/Advocacy Agencies, Refugee Agencies, and Academic Experts. I contacted potential participants by email and requested a brief face-to-face interview (Appendix A). The participants who agreed to be interviewed, face-to-face or over-the-phone, included an academic expert whose research focuses on human rights, domestic violence, and immigrants; an immigration attorney; a state representative; and a police chief.

An immigration court judge declined to participate. In addition, a prosecutor cancelled two phone interviews and agreed to provide answers to my research questions. However, the prosecutor did not provide any answers.

For confidentiality purposes, professional titles are used for the participants, even for participants who provided permission to use their real name. Furthermore, locations are vaguely described to maintain confidentiality of the participants.

Measures

I compiled a series of interview questions for each of the four groups of participants (Appendix B). Most of the questions were identical for each group, with the aim of generating a holistic understanding of challenges immigrant women in Washington State experience to using the legal protections and resources to which they are entitled. The interview questions I used across interviews included a combination of questions about each participant's work and about their perspectives of why immigrant women who experience domestic violence are not accessing available protections. Sample questions included: "*What populations do you serve,*" "*Tell me what you know about the VAWA, and how VAWA affects immigrant and refugee women living in Washington State,*" and "*What are the requirements and steps for seeking a U visa?*"

Procedure

As mentioned previously, to learn more about domestic violence experiences of immigrant women in the State of Washington, I completed an internship at Tacoma Community House (TCH) in summer of 2016. TCH is a non-profit agency that provides services for immigrants who are victims of violent crimes, including domestic violence. During my internship, I spent time learning about immigrants, their experiences with domestic violence, their fears of deportation, the laws and policies that are supposed to protect immigrants who are

victims of domestic violence, and the need for enhanced legal protections for this population. Based on this experience, I identified individuals in the region who could potentially provide more in-depth information about the legal processes immigrant women who are seeking protection from domestic violence must undergo, and about barriers these women experience to receiving these protections.

I completed the Institutional Review Board (IRB) process through the Human Subjects Division at the University of Washington (UW) prior to initiating interviews for my research. After receiving IRB approval with exempt status, I contacted the potential participants (described above) and described the study to them. I provided an informed Consent Form (Appendix C), which explained the purpose, procedures, risks, benefits, confidentiality, and additional information of my research. I notified participants of their right to refuse to answer any questions they did not feel comfortable answering. Participants signed the Consent Form to indicate their agreement to participate, and they initialed the form to indicate their agreement for the interview to be recorded. Participants answered a series of questions, which were IRB approved. After collecting data through the internship and interviews, I analyzed the data using a qualitative, thematic analysis.

Data Collection

During my time at Tacoma Community House I observed, asked questions, took notes, and reviewed reports and case files. The main sources of data that I drew from in this investigation were case files, reports, observations, and conversations with Client Advocacy advocates. These data primarily served to provide information about the scope of the problem of domestic violence among immigrant women in Pierce County. These data also provided

information about the legal systems that immigrant women interact with, and flaws in these systems that prevent these women from receiving protections to which they are entitled.

In addition to acquiring data through the internship at TCH, I interviewed an academic expert, an immigration attorney, a state representative, and a police chief. Many of these individuals reported a lack of funding, knowledge, and training; and an intentional pattern of lack of support for immigrant victims of domestic violence in Washington State, despite Federal and State laws that are in place to ensure immigrants receive adequate legal protection from domestic violence.

During these interviews, I sought to understand if immigrants suffer in silence because of their vulnerable legal status and related fears, such as fear of deportation. I also wanted to know if immigrants have a more challenging time receiving adequate legal protection because they are not U.S. citizens. In addition, I was interested in examining relations between immigrants and law enforcement, and the degree to which the rights of immigrant women are protected by law enforcement agents. After collecting data during the interviews and internship, I used a thematic analysis that is often used in psychology, to analyze the data.

Data Analysis

To analyze data collected from TCH, I took very detailed notes and examined my notes for key concepts that came up repeatedly. I also used my notes to identify potential barriers immigrant women experience to receiving protections from domestic violence, as described below.

To analyze interviews, I conducted a thematic analysis, which provides flexibility and the freedom to make active choices during the analysis (Braun & Clarke, 2006). There are six phases of the thematic analysis: (1) familiarizing yourself with your data, (2) generating initial codes,

(3) searching for themes, (4) reviewing themes, (5) defining and naming themes, and (6) producing the report (Braun & Clarke, 2006).

This study includes recorded interviews, which I had to transcribe before thematically analyzing the data (Appendix D). The second phase involved applying codes to the extracted data. After applying codes, I completed the third phase by searching for themes throughout the transcribed interviews and internship data. After I compiled a list of possible themes, I reviewed and refined the themes as part of the fourth phase. During the fifth phase of the analysis, I further refined my themes into three key themes for this study. The final phase consisted of compiling all data into a written report, including a table with data extracts and coding (Appendix E). I also examined those data in relation to the notes I took from my TCH internship to have a more holistic understanding of barriers immigrant women face to receiving protections from domestic violence, and what could be done to address these barriers.

Results

The three key themes that I identified during the interviews and internship matched the data in my literature review. First, I learned that domestic violence affects a substantial number of immigrant women in Pierce County, and that many are reluctant to report domestic violence because they fear deportation of themselves and their loved ones. Second, certifying agents need additional knowledge and training, so they will better understand their role in the U visa certification process. Third, Federal policies, such as the U visa program, need to be amended, and legal protections in Washington State need to be enhanced by passing Washington State House Bill 1022 or a similar bill. Below, select findings from my internship with TCH are presented, followed by themes and select quotes from interviews.

Scope of the Problem

Data from the Tacoma Community House (2015) semi-annual progress report for July 2015 through December 2015 showed 136 clients being served by the Client Advocacy department which assists immigrants and refugees who have experienced a violent crime, such as domestic violence. Of those 136 clients, 101 received domestic violence services, 121 are Hispanic or Latino, 123 clients are female, and 121 clients are between the ages of 25-59 (Tacoma Community House, 2015). All clients served were listed as immigrants, refugees, and asylum seekers, with most clients being immigrants (Tacoma Community House, 2015). Regarding the legal cases served by the Client Advocacy department, 87 clients have pending U visa cases, 36 clients are considered new U visa cases, and only one client was granted a U visa (Tacoma Community House, 2015).

The goal of Tacoma Community House's Client Advocacy department is "to provide direct services to immigrant survivors in the Pierce County region in the form of legal assistance for them to access protections under immigration law, including the U visa" (Tacoma Community House, 2015, p. 22). However, meeting this goal is challenging because there is a lack of funding at Tacoma Community House for providing immigration services for victims of domestic violence, and a lack of other organizations who can provide this service. Tacoma Community House's (2015) semi-annual report states the OVW Legal Assistance for Victims Grant Program "is the only grant that TCH has to fund immigration services for victims of domestic violence" (p. 29).

Fear of Deportation

Regarding fear of deportation, one of the case files from TCH mentioned multiple times that the immigrant had a fear of calling police, fear of calling 9-1-1, and fear of deportation

(Tacoma Community House, internship, 2016). Fear also came up throughout the other cases, and in meetings I observed.

Furthermore, in interviews, the Academic Professor (2016) mentioned how calling the authorities can make domestic violence worse. Compared to U.S. citizens, “immigrants have a greater fear of government,” which is a barrier to reporting domestic violence (Academic Professor, 2016). Victims “want the abuse to end,” but they do not want their abusers deported (Academic Professor, 2016). The Immigration Attorney (2016) mentioned the largest barrier for immigrants is fear. “Our clients live in fear, calling the police for help is hard for them because they fear being deported” (Immigration Attorney, 2016). Additionally, the Police Chief (2016) mentioned that immigrants who are domestic violence victims are reluctant to call 9-1-1 because immigrants are fearful of deportation.

The Washington State House Representative (2017) stated that he became passionate about the issue of enhancing legal protections for immigrant victims after a constituent shared a horrific situation that involved a family member who is an immigrant and a victim of a violent crime, and that “due to a fear of deportation nothing was done to protect the victim.” Furthermore, the House Representative (2017) reiterated that immigrant families are worried and fearful about being deported.

Lack of Knowledge and Funding

It became clear that there is also a lack of cooperation from certifying agents who Tacoma Community House requests U visa certifications, perhaps because of a lack of knowledge on their part (Tacoma Community House, internship, 2016). In addition, the verbiage in the U visa certification process is vague and allows certifying agents to interpret the meaning of the policy and their responsibilities as a certifying agent (Tacoma Community House,

internship, 2016). For example, the TCH Client Advocacy advocate reported that one of the certifying agents in Pierce County responded to a U visa certification request, stating the agent is not required to provide the certification even if the immigrant victim cooperated because the U visa certification process verbiage says the agent “may” provide the certification (Tacoma Community House, internship, 2016). Unfortunately, certifying agents are not required to provide the U visa certification form or even respond to U visa certification requests (Tacoma Community House, internship, 2016). Furthermore, certifying agents “cannot be compelled” to respond to U visa certification requests or to provide U visa certification forms (Tacoma Community House, internship, 2016).

Relatedly, the Academic Professor (2016) recommended additional funding and education for law enforcement and other agencies that provide legal protections for domestic violence victims who are immigrants. The Immigration Attorney (2016) also said that “sometimes law enforcement agencies are not cooperative,” regarding the U visa certification. Certifying agents have a huge discretion to provide the certification or not, and oftentimes agents ignore and deny requests that should have been approved (Immigration Attorney, 2016). The Department of Homeland Security published and distributed the “U and T Visa Law Enforcement Resource Guide for Federal, State, Local, Tribal and Territorial, Law Enforcement, Prosecutors, Judges, and other Government Agencies” to all certifying agents, and yet there is still a lack of knowledge and understanding (Immigration Attorney, 2016). This Resource Guide explains in detail the purpose of the U visa and certification, and the role of certifying agents (Immigration Attorney, 2016). “More, well-needed education and resources for law enforcement and certifying agents” was recommended by the Immigration Attorney (2016).

The Police Chief (2016) stated that he did not know what the U visa certification requests were when he became the Chief of Police. These certification requests were delivered to his office, and he admittedly ignored the requests (Police Chief, 2016). After the Police Chief (2016) learned more about the U visa certification process, he thought that immigrants might try to abuse the U visa system, so he forwarded the requests to the Prosecutor who is currently the certifying agent for that law enforcement agency. The Police Chief (2016) stated there is a lack of funding and education. He recommended additional funding, education, and training for law enforcement and certifying agents, which will help improve the implementation of the U visa certification process (Police Chief, 2016). The Police Chief's anti-immigrant sentiments were supported by the literature, specifically that "defense attorneys...may attempt to discredit the testimony of victims by characterizing them as opportunists" (Hanson, 2010, p. 180).

Legal Protections and Policies

Regarding enhancing legal protections and policies, the Immigration Attorney (2016) recommended modifying the verbiage in legal protection policies, including the U visa. Additionally, the Washington State House Representative (2017) said that "House Bill 1022: Enhancing Crime Victim Participation in the Criminal Justice System Process" was currently on the Senate floor of the 2017 legislature session. House Bill 1022 is "the exact same bill as House Bill 2912" from the 2016 legislature session (Washington State House Representative, 2017). "House Bill 2912: Enhancing Crime Victim Participation in the Criminal Justice System" passed the House without any problem last year (Washington State House Representative, 2017). However, after House Bill 2912 passed through the House and Senate Committees, the bill ran out of time and died on the floor (Washington State House Representative, 2017). The Washington State House Representative (2017) believes that "some people had issues with the

bill [he sponsored last year] and blocked it from being voted on.” He elaborated on “the issues” concerning individual opinions about undocumented immigrants (Washington State House Representative, 2017).

If the current House Bill 1022 passes the House and Senate, the bill will not change Washington State’s immigration law (Washington State House Representative, 2017). The bill will add a new chapter to Title 7 Revised Code of Washington (RCW), and will enhance legal protections for immigrants who are victims of violent crimes, including domestic violence, in Washington State (Washington State House Representative, 2017).

Participation Declined

In addition to the key stakeholders who agreed to participate and be interviewed, there were key stakeholders who declined to participate.

Immigration Court Judge. I mailed an interview request to an Immigration Court Judge in Pierce County. The Judge’s Assistant responded, stating the Judge declined my request for an interview. I was not surprised by the Judge’s response because of the increased negative media regarding immigration issues and mass deportations nationally and locally.

Prosecutor / Certifying Agent. A Prosecutor declined a face-to-face, recorded interview and cancelled phone interviews twice. The Prosecutor agreed to provide written answers to my research questions via email. I still have not received the Prosecutor’s written answers to my research questions. Multiple participants whom I interviewed mentioned this prosecutor is a certifying agent who has been refusing to cooperate with U visa certification requests, so I am not surprised by the lack of cooperation and lack of answers.

Discussion

I spent the past year researching the lack of legal protection that immigrant victims face. I interviewed several individuals in Washington State who are responsible for protecting immigrant women from domestic violence and ensuring their rights as immigrants, women, and human beings are not violated. I became disheartened upon learning that some individuals in law enforcement intentionally create barriers for immigrant women who risk their freedom and safety in the United States to report violent crimes, such as domestic violence.

My observational research and conversations with advocates at Tacoma Community House, as well as my stakeholder interviews, confirmed and expanded the research I reviewed regarding legal and psychosocial challenges immigrant women who experience domestic violence encounter.

My findings include fears, such as fear of deportation, law enforcement, and government; a lack of funding, knowledge, and training within law enforcement agencies; an intentional lack of support of immigrants by law enforcement who have been given the power to decide which immigrants will receive the opportunity for immigration relief through the U visa process; and flawed Federal and State legal protections and policies that need to be improved and enhanced as to better protect immigrants who are victims of domestic violence.

As the data analyzed here showed, the current anti-immigrant climate and increase of negative reports by the media appear to be contributing to immigrants becoming more fearful of being detained and deported because victims of domestic violence are becoming more aware of the lack of protections by Federal policies and law enforcement.

Recently an immigrant transgender woman, who is a domestic violence victim, sought a protection order against an abusive boyfriend in Texas, and she was immediately detained by ICE officers in a Texas courthouse after she was granted a domestic violence protection order

against the boyfriend who abused her (Mettler, 2017; Blitzer, 2017). Despite Federal laws and policies, such as VTVPA and VAWA that should have protected this domestic violence victim from being detained and deported when she reported the violence against her, this woman was apprehended by ICE officers in a courthouse. The VTVPA and VAWA did not protect this woman.

This investigation showed that although VAWA, VTVPA, OVW, and U visa are supposed to protect immigrants who report violent crimes, victims who are immigrants are still being detained and deported when they seek legal assistance and report domestic violence, which will, in effect, deter them from reporting crimes. There is a discrepancy between the purpose of Federal policies that provide legal protections for immigrants who are victims of violence and the actual enforcement of those Federal policies.

Immigrants who are domestic violence victims are reluctant to report the domestic violence because they fear deportation of themselves and the person abusing them. Immigration relief through the U visa was developed as a way of encouraging immigrants to report violent crimes. However, as the Police Chief (2016) described, certifying agents lack sufficient knowledge and understanding of the U visa program, and they need additional training on the U visa certification process.

There are limitations regarding equal protection among immigrants who experience domestic violence, and there is a need to break down the barriers and make people think differently about immigrants and domestic violence (Grant, 2013). These equal protections include legal protections for immigrants who are victims of domestic violence.

Legal Protections and Policies

The U visa is a Federal legal protection program that is available as immigration relief for immigrants who are victims of violent crimes, including domestic violence. Additionally, Washington State House Bill 1022 is a bill that will enhance legal protections for immigrants in the State of Washington.

U visa. The U visa certification form is required for an undocumented immigrant to petition and receive a U visa (Abrams, 2010; Lakhani, 2014). This form must be signed by a designated certifying agent (Lakhani, 2014). Unfortunately, as this investigation showed, challenges exist when immigrants try to acquire the U visa certification from designated certifiers (Lakhani, 2014). Receiving a signed certification form is problematic and the first obstacle in the U visa process (Jensen, 2009), because some designated certifying agents are unsure of their role and influenced by their individual opinions of undocumented immigrants who enter the U.S. illegally (Lakhani, 2014).

Some law enforcement officers who understand the U visa certification is a requirement may believe undocumented immigrants do not deserve immigration relief and will refuse to provide the U visa certification even when the victim fully cooperated (Abrams, 2010). These beliefs and misunderstandings were reiterated by key stakeholders that were interviewed for this current study.

The U visa process is flawed, specifically “the law enforcement certification” step of the process (Jensen, 2009, p. 712). This flaw in the U visa process needs to change. Designated certifiers need training that explains how “their ‘certifying’ of Form B is a fact-based analysis that in no way approves or denies an individual the right to the U visa” (Jensen, 2009, p. 712). The USCIS needs to improve the certification process (Jensen, 2009) by modifying the U visa

regulations and language, so that law enforcement no longer has the subjective power to decide who has the right to seek a U visa (Abrams, 2010).

Additionally, “some legal scholars have suggested that the U Visa certification requirement be made optional so that all immigrant crime victims who have reported crimes and cooperated in criminal investigations can submit U Visa application and pursue legalization” (Lakhani, 2014, p. 663). Unfortunately, some individuals in local law enforcement agencies do not fully understand the U visa process or purpose, and they intentionally hinder immigration relief for many immigrant women who experience domestic violence and have a right to receive immigration relief through the U visa process if they cooperate with law enforcement.

Washington State House Bill 1022. “House Bill 1022: Enhancing Crime Victim Participation in the Criminal Justice System” will encourage immigrants in Washington State to cooperate with or contact law enforcement agencies when they are a victim of a crime. If the victim cooperates with law enforcement they, or a representative such as an attorney or client advocate, may request that the presiding law enforcement agency complete the U visa certification form, which provides temporary immigration benefits to the victim and the victim’s family members (A bill relating to alien victims, 2017; State of Washington, 2017).

This bill, which, if passed, will add a new chapter to Title 7 Revised Code of Washington State, and will require and provide accountability and supervision of the U visa certifying agencies and agents (A bill relating to alien victims, 2017; State of Washington, 2017). The bill will change the verbiage of “may” to “shall,” so the certifying agent “shall” complete and sign the U visa certification form and provide a detailed description of the victim’s level of cooperation with the investigation or prosecution of criminal history (A bill relating to alien victims, 2017; State of Washington, 2017). The definition of “shall...in laws, directives, etc.” is

“must [and] is obliged to” (“Shall,” n.d.). This change in verbiage will enhance the completion of the U visa certification forms because certifying agents will be “obliged to” complete the form instead of ignoring requests for the U visa certification form.

The bill also requires the certifying agency to complete the U visa certification form “within 90 days of the request, or 14 days of the request if the victim is within federal immigration removal proceedings, or 14 days prior to the victim turning twenty-one years of age” (State of Washington, 2017, p. 14). This section of the bill will ensure certifying agents respond to U visa certification requests, and in a timely manner, instead of ignoring the requests.

Furthermore, the bill “requires the head of each certifying agency to designate an agent who performs a supervisory role within the agency to perform a variety of tasks, including responding to the requests, providing outreach to victims to inform them of the agency certification process, and keep track of the number of request received and the number of request that were either, signed, denied or withdrawn” (State of Washington, 2017, p. 14). Additionally, “the ‘agent’ must report this information to the Office of Crime Victims Advocacy each year” (State of Washington, 2017, p. 14). Again, this section of the bill will ensure certifying agents respond to U visa certification requests instead of ignoring the requests.

If House Bill 1022 does not pass during the current legislature session, then the sponsoring Washington State House Representatives need to continue sponsoring a bill that enhances crime victim participation and legal protections for victims until the bill passes the House and Senate, and becomes part of the Washington State Revised Code.

Despite Federal and State policies, such as VAWA, VTVPA, U visa, and HB 1022, which are supposed to protect immigrants who report violent crimes, domestic violence victims

are not receiving the legal protections they are entitled because of a lack of understanding by certifying agents and law enforcement.

Lack of Funding and Training

There is a great need for “awareness and training in order for it to be a helpful tool to law enforcement” (Hanson, 2010, p. 180). The “lack of awareness” by law enforcement was perpetuated by the years-long delay of U visas contributed to the lack of awareness (Hanson, 2010, p. 183). Law enforcement has the subjective power to decide if an immigrant who is a domestic violence victim will have an opportunity to receive a U visa (Abrams, 2010).

Designated certifiers need additional training on the U visa program, specifically the certification process because of the many problems that occur (Jensen, 2009). Previous researchers found that “certification problems are most likely connected to both a lack of overall knowledge of the U visa regulations and to the mistaken opinion that certifying the investigation or prosecution portion (Form B) of the U visa petition is seen as ‘pro-immigration’” (Jensen, 2009, p. 693). The Police Chief (2016) reiterated these previous findings on U visa certification problems, along with a lack of funding and training on the U visa process.

The U visa provides hope to domestic violence victims who are undocumented immigrants (Jensen, 2009). However, “it must be noted here that despite the enactment of these protections and legislative provisions for the U-visa being in place for several years, apparently no U-visas have actually been issued” (Moynihan, Gaboury, & Onken, 2008, p. 127).

Conclusion

Researchers need to continue studying the intersecting topics of immigrants, domestic violence, and legal protections to find a viable, sustainable solution to protect immigrants who are victims of domestic violence.

In addition to providing law enforcement and certifying agents with additional training on the U visa program, and increasing federal grants and funding for non-profit agencies who help immigrants, the best solution I identified for enhancing legal protections for immigrants in Washington State is “House Bill 1022: Enhancing Crime Victim Participation in the Criminal Justice System.” This bill is crucial for enhancing legal protections for immigrants who are domestic violence victims in Washington State. The House and Senate committees need to pass House Bill 1022 during the current 2017 legislature session, or a similar house bill during the 2018 legislature session, if House Bill 1022 fails to pass during 2017.

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Appendix A: Email Requesting Research Participation / Interview

SUBJECT: College student seeking your expertise on domestic violence cases for senior project

My name is Heather Swanson and I am a rising senior at the University of Washington Tacoma. I am currently working on my senior project -a global honors thesis about the policies, services, and programs in our community that are available to help immigrant and refugee women seek and receive protection from domestic violence- and I was hoping you might be able to help me gain some information about experiences of the (_____) who work on these cases. I was thinking that a brief interview would be the best way to gain this information, if you would be willing to meet for a coffee or cocoa at a time and place that is convenient. Your expertise would be a wonderful contribution to this project.

Appendix B: IRB Approved Interview Questions

Questions for Group A: Law/Legal System

There are distinct supplemental questions for Law Enforcement, Prosecutor, State of Washington Legislature, Washington Association of Sheriffs and Police Chiefs, and Northwest Immigration Rights Project

1. Questions for Law Enforcement

1. What is your job title/position and your main responsibilities at this agency?
2. What is the agency's main purpose?
3. Which areas/cities and populations do you serve?
4. Is an interpreter or bi/multi-lingual officer provided when an immigrant or refugee places a 911 call?
 - a. How about if the call relates to domestic violence?
5. When deputies arrive at a domestic violence situation, what are the language challenges when a domestic violence victim is a non-English speaker?
6. What differences, if any, might there be in the experiences of domestic violence that U.S. citizen women have compared to immigrant and refugee women?
 - a. How about in terms of services and protections available to them?
7. What is the policy/process when a domestic violence victim or perpetrator is an immigrant, a refugee, or undocumented?
8. Tell me what you know about the Violence Against Women Act (VAWA), and how VAWA affects immigrant and refugee women who report violent crimes committed against them.
9. Do you know what the U Visa process is?
10. (if yes) What is this agency's role in this process?

11. Do you think the U Visa process works well or does it need improvement?

2. Questions for Prosecutor

1. What is your job title/position and your main responsibilities at this agency?
2. What is the main purpose of the prosecutor's office?
3. What areas/cities and populations do you serve?
4. What challenges within the legal system when it comes to domestic violence do you experience when defendants or victims are refugees or immigrants?
5. What are the challenges when a domestic violence victim is an immigrant or a refugee who is a non-native English speaker?
6. Is an interpreter provided when an immigrant or a refugee meets with a prosecutor to discuss a domestic violence criminal case?
7. Does a prosecutor treat the criminal case differently when a domestic violence victim is a U.S. citizen, a refugee, or an immigrant (documented or undocumented)?
8. (if yes) What is different?
9. What differences, if any, might there be in the experiences of domestic violence that U.S. citizen women have compared to immigrant and refugee women?
 - a. How about in terms of services and protections available to them?
10. Tell me what you know about the Violence Against Women Act (VAWA), and how VAWA affects immigrant and refugee women living in this community.
11. Do you know what the U Visa process is? And if so, what is the Prosecutor's role in the process?
12. Do you think the U Visa process works well or does it need improvement?

3. Questions for State of Washington Legislature

1. What is your job title/position and your main responsibilities?
2. What is the agency's main purpose?
3. What areas/cities and populations do you serve and represent?
4. What do you know about House Bill (HB) 2912: "Enhancing Crime Victim Participation in the Criminal Justice System Process"?
5. What was the purpose of this house bill, and what would it have accomplished?
6. Tell me about the process of sponsoring and presenting House Bill (HB) 2895: "An Act Relating to Alien Victims of Certain Qualifying Criminal Activity." How did you become interested in this bill?
7. What was the purpose of this house bill, and what would it have accomplished?
8. I heard these house bills did not pass, why didn't they pass?
9. What are the challenges within the legal system when it comes to domestic violence for immigrant and refugee crime victims since these house bills didn't pass?
10. Tell me what you know about the Violence Against Women Act (VAWA), and how VAWA affects immigrant and refugee women living in Washington State.

4. Questions for Washington Association of Sheriffs and Police Chiefs

1. What is your job title/position and your main responsibilities at Washington Association of Sheriffs and Police Chiefs?
2. What is the agency's main purpose?
3. What populations do you serve?

4. Do you know anything about House Bill (HB) 2895: “An Act Relating to Alien Victims of Certain Qualifying Criminal Activity”?
5. What was the purpose of this house bill, and what would it have accomplished?
6. I heard it did not pass, why didn't it pass?
7. Do you know what the sheriff's position on the bill was and why?
8. In what ways would this House Bill have affected Sheriffs and Police Chiefs, and their duties?
9. Is there anything else you can share that will help me understand experiences of sheriffs and police officers with respect to domestic violence issues in Washington (and with immigrant and refugee women in particular)?

5. Questions for Northwest Immigration Rights Project (NWIRP) Attorney

1. What is your job title/position and your main responsibilities at NWIRP?
2. What is NWIRP, and what is its main purpose?
 - a. (if needed) What types of legal services are provided by NWIRP?
3. Which populations do you serve?
4. How many immigrants and refugees are receiving NWIRP legal services?
5. How many immigrants and refugees are on the waitlist for NWIRP legal services?
6. Do you provide legal services to refugee and immigrant women who are victims of domestic violence?
7. (if yes) What type of legal services are provided to them?
8. What are the most significant challenges when working with victims of domestic violence who are noncitizens?

9. Tell me what you know about the Violence Against Women Act (VAWA), and how VAWA affects immigrant and refugee women who receive services here.

Now I have a set of questions regarding the legal process:

1. What are the requirements and steps for seeking a U Visa?
2. At what step(s) will the process most likely stall or face an obstacle?
3. What types of obstacles/challenges may surface during the U Visa process?
4. What important documentation is required for the U Visa application process?
5. Do you have any examples that you would like to share about immigrant and refugee women who sought relief through the U Visa process?
 - a. Specifically, can you give an example or tell me about a time when you were able to win a case for a victim of domestic violence?
6. How many months does the U Visa process take from start to finish, with finish meaning the DV victim refugee or immigrant has a U Visa in their possession?
7. What changes are needed for the U Visa process to be more efficient, effective, and successful?
8. Are there other legal remedies available for refugee and immigrant women who are domestic violence victims seeking protection in the U.S.?
9. Do you coordinate services with other agencies who help refugee and immigrant women who are domestic violence victims?
10. (if yes) Which agencies?

Questions for Group B: Domestic Violence/Advocacy Agencies

1. What is your job title/position and your main responsibilities at this agency?
2. What is the agency's main purpose?

3. What populations are served by this agency?
4. Approximately how many refugees receive domestic violence services from your agency? And approximately how many immigrants?
5. Roughly, what proportion of these domestic violence victims are women?
6. What differences, if any, might there be in the experiences of domestic violence that U.S. citizen women have compared to immigrant and refugee women?
 - a. How about in terms of services and protections available to them?
7. What services and programs are available to help immigrants and refugees seek and receive protection from domestic violence?
8. Can you share an example or tell me about a time when some of those services were particularly helpful to a client or family?
9. What policies does your agency follow and implement to ensure refugees and immigrants who are domestic violence victims, specifically women, are protected from domestic violence?
10. What do you think about the policies that are in place to help protect immigrant and refugee women from domestic violence?
11. Do you think these policies are sufficient or do you think changes are needed?
 - a. What changes to these policies are needed to ensure immigrants and refugees, specifically women, are protected from domestic violence?
12. Tell me what you know about the Violence Against Women Act (VAWA), and how VAWA affects immigrant and refugee women who receive services here.
13. What types of challenges in general do immigrant and refugee women that you work with experience on a daily basis?

14. What are the challenges within the legal system when it comes to domestic violence for immigrant and refugee crime victims?
15. Do the challenges within the legal system when it comes to domestic violence differ depending on if a woman is an immigrant, a refugee, or U.S. citizen?
16. (if yes) What are the differences between immigrants, refugees, and U.S. citizens within the legal system when it comes to domestic violence?
17. What do you know about House Bill (HB) 2912 that was also about “Enhancing Crime Victim Participation in the Criminal Justice System Process”?
18. What was the purpose of this house bill, and what would it have accomplished?
19. Tell me about the process of presenting House Bill (HB) 2895: “An Act Relating to Alien Victims of Certain Qualifying Criminal Activity” during the Legislature Session earlier this year?
20. What was the purpose of this house bill, and what would it have accomplished?
21. I heard these bills did not pass, why didn't they pass?

Questions for Group C: Refugee Agencies

1. What is your job title/position and your main responsibilities at this agency?
2. What is the agency's main purpose?
3. What populations do you serve?
4. How many months of case management are refugees allowed to receive before leaving their homeland, and also once entering the U.S.?
5. Does your office provide assistance to refugee women who have experienced or are experiencing domestic violence?
6. (if yes) What types of assistance, services, or resources are provided?

7. What differences, if any, might there be in the experiences of domestic violence that U.S. citizen women have compared to immigrant and refugee women?
 - a. How about in terms of services and protections available to them?
8. Tell me what you know about the Violence Against Women Act (VAWA), and how VAWA affects refugee women who receive services through your agency.
9. Does your office collaborate with other agencies in regards to services for refugee women who have experienced or are experiencing domestic violence?
10. (if yes) Which offices do you collaborate with?
11. How prevalent is domestic violence among refugee women?
12. What challenges in general do refugee women face when they have experienced or are experiencing domestic violence?
13. What can be done in the U.S. to help protect victims of domestic violence (refugee and otherwise)?

Questions for Group D: Academic Experts

1. What is your job title/position and your main responsibilities at UWT?
2. What are your research specialties in regard to refugee and immigrant women?
3. Can you share with me your experiences of how the legal system functions in cases of domestic violence for immigrant and refugee women?
4. I know you have done some research on domestic violence in urban and rural areas. Can you tell me a little bit about this research?
 - a. What, if any, differences exist in services available to refugee and immigrant women in rural and urban areas?
 - b. What types of agencies/services are lacking and needed in rural areas?

5. Tell me about your experience as an expert witness during an immigration hearing that involved an immigrant or refugee woman who had experienced domestic violence.
6. Tell me what you know about the Violence Against Women Act (VAWA), and how VAWA affects immigrant and refugee women living in this community.
7. From these experiences, what do you think are the main challenges for these populations in our community?

Appendix C: IRB Approved Consent Form

UNIVERSITY OF WASHINGTON

CONSENT FORM

Researcher/Interviewer: Heather Swanson, Undergraduate Student, Interdisciplinary Arts & Sciences, University of Washington, Tacoma; hdswan@uw.edu, (253) 254-4949

Faculty Adviser/Supervisor: Rachel Hershberg, PhD, Assistant Professor, Interdisciplinary Arts & Sciences, University of Washington, Tacoma; rmhersh@uw.edu, (253) 692-4955

Please note that we cannot ensure the confidentiality of information sent via e-mail.

Researcher's Statement: I am asking you to participate in a research study. The purpose of this consent form is to give you the information you will need to help you decide whether to be in the study or not. Please read the form carefully. You may ask questions about the purpose of the research, study procedures, the possible risks and benefits, your rights as a volunteer participant, and anything else about the research or this form that is not clear. When I have answered all of your questions, you can decide if you want to be in the study or not. This process is called "informed consent." I will give you a copy of this form for your records.

PURPOSE OF THE STUDY

I am interested in investigating policies, services, and programs that are available and utilized to help immigrants and refugees seek and receive protection from domestic violence.

STUDY PROCEDURES

The study procedures involve a single, audio-recorded interview of a maximum of one hour. The interview will involve asking you a sequence of questions, some of which will reference documents that you may have created or use as part of your work. Example questions are: *What is your job title/position and your main responsibilities at this agency?*, *What is the agency's*

main purpose?, and What populations do you serve? You do not have to answer any questions that you do not want to answer. I may ask for electronic copies of any documents that you reference. You do not have to share your documents.

RISKS, STRESS, OR DISCOMFORT

Some individuals may be uncomfortable being interviewed or recorded via audio. You may choose to not answer questions. You may choose to not have the interview audio-recorded; I will only take notes during the interview if this is preferred. On written request, I will provide copies of transcripts and delete any portion of your transcribed interview that you want deleted.

If for any reason, you become distressed during the interview, we will end the interview and I will suggest you contact your Primary Care Provider or Mental Health Counselor.

BENEFITS OF THE STUDY

You may feel relief, pride, or satisfaction that your experiences are being heard by others. I hope that the results of this study will help individuals in the community better understand the policies and services that are available, utilized, and needed to help immigrant and refugee women seek and receive protection from domestic violence.

CONFIDENTIALITY OF RESEARCH INFORMATION

Audio recordings may include personally identifiable information and may also contain identifiable information about particular organizations. All of the information you provide will be confidential. The audio recordings and documents from this interview will be kept by the researcher in a password-protected file. Once transcribed, all personally identifiable information will be removed from interviews.

The researcher may present the results of the analysis of the interviews in journal papers and conference presentations. Portions from the interview transcripts and aggregate information from

documents might be included in presentations or papers. However, all personally identifiable information will be removed from these data. Your identity will be anonymized in any future presentations or publications.

OTHER INFORMATION

You may refuse to participate and you are free to withdraw from this study at any time without penalty or loss of benefits to which you are otherwise entitled.

Subject's Statement: This study has been explained to me. I volunteer to take part in this research. I have had a chance to ask questions. If I have questions later about the research, or if I have been harmed by participating in this study, I can contact the researcher or faculty adviser listed on the first page of this consent form. If I have questions about my rights as a research subject, I can call the Human Subjects Division at (206) 543-0098. I will receive a copy of this consent form.

_____	_____	_____
Printed name of subject	Signature of subject	Date

I give permission for my interview to be audio-recorded: _____ (initial)

_____	_____	_____
Printed name of researcher	Signature of researcher	Date

Copies: Researcher
 Subject

Appendix D: Transcription of Interview, Permission to Use Real Name

Heather: So thank you again.

PC: You're welcome.

H: So what is your job title, position, and main responsibilities at this agency?

PC: Police Chief... can I make a suggestion though when you're audio recording people, have them say on the recording that they're aware it's being recorded (good idea) it's just something we do when we record somebody

H: Are you aware that I am recording this conversation and do you give permission?

PC: I am aware and you do have my permission.

H: Thank you for that suggestion. Okay, so what is your job title, position, and main responsibilities at this agency?

PC: I am the Police Chief for the (_____) police department and I am pretty much responsible for the entire department, for all operational and administrative functions.

H: What is the agency's main purpose?

PC: Well, our mission statement is to protect life and property, build better communities, and reduce crime, reduce and prevent crime is our mission statement. Like most police departments we're here for public safety in a broader term.

H: Okay, thank you. And then which areas, cities, populations do you serve?

PC: Specifically the City of (_____), so it's the population within (_____), it's the, it's not just the citizens but anybody that might come into (_____) that requires police services.

H: Is an interpreter or bilingual, multilingual officer provided when an immigrant or refugee places a 9-1-1 call?

PC: Uh, well let me clarify something in Pierce County too that dispatch center is the South Sound 911 and they are a standalone dispatch center that serves all police agencies in the county so we don't have our own dispatchers, so when someone calls 9-1-1 it goes to South Sound 911, and there depending on the language there might be a call taker that speaks whatever the language is, but there is also the Language Bank that they can be connected to that has as far as I know interpreters for every known language.

H: So when deputies arrive at a domestic violence situation, what are the language challenges when a domestic violence victim is a non-English speaker? So the South Sound, they have the interpreters, but then when the officers arrive at the situation, on the scene.

PC: It's the same thing for us. An officer might, we have some bilingual officers. Some speak Spanish. Well actually most of our bilingual officers speak Spanish, but there are some that speak Korean, some that are... what are some other languages... sign language, so depending on who shows up they might be able to speak whatever the language is. But they also have the Language Bank available to them, um it's just over the phone. So, I've used it, it's been a long time obviously, it's kinda an awkward conversation because you're telling the interpreter on the phone to ask this and then you hand them the phone, they answer in whatever the language is, you get the phone back and get the answer interpreted back to you... so it's a bit awkward, hmmm, but it's there.

H: That's good to know. I had no idea.

PC: We will use too if there's depending on the situation if there are older kids in the home that usually speak English, both languages very well, we can use them as an interpreter too, just not when it comes to court because they're not, we have to have a court certified interpreter so we know that it's accurate.

H: What differences if any might there be in the experiences of domestic violence that United States citizen women have compared to immigrant and refugee women, so have you noticed any differences in the domestic violence calls when it's an immigrant or refugee or US citizen?

PC: When they're here one of the things that I'm sure they're concerned about is losing their citizenship, so that would make them less likely to report it. So, and that's the same, it's kinda just another factor that deters them from reporting, so even with US citizens there's a lot of times a reluctance to report domestic violence, whether it's they don't want him or her to get in trouble, the person might be the breadwinner, they're worried about retaliation later. You have all of those same things with the, an immigrant, only they have the added deterrent of possibly being deported or losing their citizenship.

H: And then do you see a difference too if they are an immigrant or refugee that is undocumented? Is that another layer?

PC: Honestly, we don't.

H: Well, that would fall under afraid of being deported.

PC: It would, and around here we don't (sigh), it's in the field in Washington, or at least in (_____) we don't have the ability really to research you know documentation for immigrants. We might depending on how serious the investigation is and how much time we're going to be spending on it, but it's not like when you look at border states, like Arizona, Texas or New Mexico, I think it's a bigger issue for them, and they maybe have more resources or spend more time to look into whether they're documented. I think that where that would play a bigger role is before we're even called. Somebody who is not documented is going to be very reluctant to even call us in the first place you know it's one thing if we are called and we show up. My guess would be that they would be reluctant to even call us in the first place.

H: That makes sense. So what is the policy, well we just kinda talked about that, the process when a domestic violence victim or perpetrator is an immigrant, refugee or undocumented.

PC: Well, the same RCW, there are specific RCWs that apply to domestic violence with mandatory arrests, all of that still applies. Nothing really changes for the domestic violence victim, or how we handle the case. All of the same laws apply. We might, we have extra challenges with it could be language, their reluctance to talk to us or cultural differences. And there also might be an occasion where we have to notify an embassy if we're going to make an arrest, but that doesn't happen very often. But in general we have the same rules apply to immigrants as they do to US Citizens.

H: Okay. Tell me what you know about the Violence Against Women Act, the VAWA, and how it affects immigrant and refugee women who report violent crimes.

PC: I don't know how those two are related. I don't know all the aspects of the VAWA to know what if there are specific provisions that address victims from other countries or not. I know that they provide a lot of training for law enforcement as it relates to investigating crimes against women, but I don't know how those two relate at all.

H: It's really complex. I have books like this (hand motions to visualize a large stack of books) at home.

PC: If it is written by the Federal Government I can guarantee you it's complex.

H: Really complex. And so you mentioned training. So how much training do the officers get specifically for interacting with victims of domestic violence, whether it's citizens or immigrants?

PC: Well, it depends on the officer. It's not, it depends on their assignment and what some officers, some training the officer's request. All the training costs money and it depends on the

resources we have and who puts in for what. There are conferences out there that some officers go to. I couldn't give you a hard number as far as how many hours of training. I can tell you that though it's not as much about the interaction specifically as it is the investigation and things to look for and to document when you're out there. You know if, they are trained to document the demeanor of the victim or the reporting party because if someone is saying no nothing happened it was just verbal but they are extremely emotionally upset and you can see red marks on their neck or signs of an assault, those are the things because most victims of violence will tell us what happened. That's the difference. It doesn't take, I don't want to say as much effort but we don't have to, in domestic violence is one of the few cases that we have to work beyond what the victim is telling us because the victim is always not giving the full whole story for all the reasons we talked about earlier. So when you talk about the interaction is the bigger think that they are trained on, how to look for the physical signs of domestic violence.

H: So when there is a call and the victim is an immigrant or refugee and doesn't speak English but then the perpetrator speaks English and he is a citizen or immigrant but he speaks English, is there ever incidents where the police show up and the perpetrator is, since he can speak English, is saying "No I'm the victim"?

PC: That can happen, and not just with bilingual relationships. It can happen with any relationship. One of the things that all officers are trained to do on domestic violence calls, and it's been this way since I went to the academy in the early 90s, is separate the victim from the suspect. That's why you typically see two officers go to domestic violence calls and why we actually get in, it can become pretty confrontational because you're telling people in their own homes "no you need to come over here and talk to me," and then we take this person because we

need to get this person out of earshot of the other's, so there isn't an influence there and maybe the other person will feel more comfortable telling us what happened.

H: That makes sense. Do you know what the U visa process is?

PC: Yeah, and that's something that I honestly don't completely understand. We started getting, suddenly, I started getting them in the mail. No one ever told me what they were and this is a few years ago now when I was Assistant Chief, and the Chief didn't know at the time what they were. They just started coming in the mail and there's nothing that required us to respond and what they, the way we read it was asking us to do was make a judgment as to whether or not this person is cooperative and our decision could determine if this person stayed in the country and that to us just seemed, it was beyond a judgement that we should be making... so we end up turning it over to our legal department [the Prosecutor], so whenever I get a U visa it goes straight to [the Prosecutor] and she did a lot more research too. She talked to other legal advisers, in addition to being the prosecutor, she is my official legal adviser and most police departments have that but she talked to other legal advisers to find out more about them, because honestly she didn't know much about it either. They just started showing up in the mail, but now we have it down pretty well. I send them over to [the Prosecutor], she reviews them for certain criteria and then signs off on them, and then we send them back. And that's the other thing, they just started showing up, but it's never from the same people. It's either from like, there's a group in Seattle, Immigrants Rights, Immigrants Rights or something like that. Does that?

H: There's Northwest Immigrants Rights Project...

PC: Yes, that's what it is. So there's that. I get them from attorneys. From other advocacy groups. It was never consistent in how I got them. And now sometimes I get them handwritten in a handwritten envelope and I just never know what it is. It took us a while to figure out our

process internally. And in the meantime people just kept sending them, so there were some where we just didn't respond because we didn't know what they were and they weren't coming from the same place, and it took a while for us to kinda catch on to what they were. But now that's our process. They go to [the Prosecutor], I'll hook you up with her so that you can talk to her about it. She reviews them for the criteria they are looking for.

H: Okay, do you kinda know the criteria or should I just talk to [the Prosecutor]?

PC: You should just talk to [the Prosecutor] because I, honestly um I get so much incoming every day from different places if that's one thing I can automatically send to [the Prosecutor] and let her deal with then I don't even pay attention. Because I trust that she is doing it right... I'm the middle man.

H: Do you think the U-Visa process works well or does it need improvement?

PC: Um, honestly I don't know because I don't know the outcome. I don't know if it's being abused. I mean, I did early on I got some I did a little bit of research into the individual incidents and some were the only level of cooperation was calling 9-1-1 and that was it. So um it just seemed like there was potential for abuse, and I don't know maybe it's not being abused.

Honestly I can't answer that without knowing more about what people are doing with it and how people are getting into the program.

H: It's complex. Just like the VAWA. Can you share an example or tell me about a time when some of these services and protections were particularly helpful to an immigrant or refugee who contacted the City of (_____) Police for help during a domestic violence incident?

PC: Uh no, like specifically talking about the U-Visas?

H: No, just like any kind, a domestic violence victim calls and they are an immigrant or refugee and they called for help for services and protections from the (_____) Police, it doesn't have to do with VAWA.

PC: I recall a couple that involved the Language Bank. I don't respond to calls anymore, it's been a while (because he is the Chief, no longer a deputy). But I do remember one incident specifically several years ago, it was domestic with a knife. The female half who was the victim did not speak English, um I was pretty proud of myself because I was able to pull enough out of my three years of high school Spanish to elicit something and the male had fled so I was able to get what happened it was a domestic with a knife. It was her boyfriend. Because you have to establish the relationship to make it domestic violence. And then an assault or a crime occurred. So I was able to establish that. I got the Language Bank and got both more detail and confirmed what my limited Spanish-speaking ability interpreted and it helped us like I said to both figure out what happened and find the suspect later.

H: Thank you for the interview. That's it. That's all I have. And while it's recording, do you want me to use pseudonyms or use your real name?

PC: Use my real name. A police chief shouldn't be using pseudonyms.

Appendix E: Data extract, with codes applied

Data extract	Coded for
“...want the abuse to end but not necessarily want a partner to be deported...”	<ul style="list-style-type: none"> ● Fear of deportation
“Our clients live in fear, calling the police for help is hard for them because they fear being deported”	<ul style="list-style-type: none"> ● Live in fear ● Fear of deportation
“...immigrants have a greater fear of government...”	<ul style="list-style-type: none"> ● Fear of government
“...due to a fear of deportation nothing was done to protect the victim.”	<ul style="list-style-type: none"> ● Fear of deportation
“More, well-needed education and resources for law enforcement and certifying agents”	<ul style="list-style-type: none"> ● Lack of knowledge ● Lack of training
“...people just kept sending them, so there were some where we just didn’t respond because we didn’t know what they were and they weren’t coming from the same place...”	<ul style="list-style-type: none"> ● Lack of knowledge ● Lack of training
“immigration is a federal law...it is up to Congress and the President to hammer out”	<ul style="list-style-type: none"> ● Legal protections need improvement
“U visa process certification takes probably two years... takes two years or more for immigration...then put on a waitlist for about three years...probably over ten years for client to have paper in their hand”	<ul style="list-style-type: none"> ● Legal protections need to be modified