

### **Political Influence of California CSOs for the Protection of Immigrant Female Victims of Domestic Violence**

### **Incidencia política de las OSC de California para la protección de mujeres inmigrantes víctimas de violencia doméstica**

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#### ABSTRACT

The aim of this research was to characterize the assistance given to Mexican immigrant female victims of domestic violence by identifying the actions of CSOs in Los Angeles County, CA, in order to analyze whether they impact local development or not. The study employed a qualitative methodology based on grounded theory and used theoretical sampling, collecting data through semi-structured interviews. It was found that these CSOs have become agents of development, fulfilling a vital role and exerting public and political influence to empower battered women. They also achieved the creation of DART, a program to help battered women, and pushed for the implementation of Law SB 674, which requires that police issue a certification in cases of domestic violence.

*Keywords:* 1. Undocumented, 2. lobbying, 3. U visa, 4. VAWA visa, 5. Los Angeles County.

#### RESUMEN

El objetivo de este artículo es caracterizar la atención hacia las mujeres inmigrantes mexicanas víctimas de violencia doméstica, a través de identificar las acciones de atención de las OSC en el Condado de Los Ángeles, California, con el fin de analizar si inciden o no en el desarrollo local. Se utilizó una metodología cualitativa a partir de la teoría fundamentada, se realizó un muestreo teórico y recopilación de datos a través de la aplicación de entrevistas semiestructuradas. Se encontró que estas OSC que se gestan como agentes de desarrollo, cumplen un rol vital e inciden pública y políticamente en el empoderamiento de las mujeres maltratadas, logrando la creación de DART, un programa para la ayuda a mujeres violentadas y presionaron para implementar la Ley SB 674, misma que obliga a los policías a otorgar la certificación ante un evento de violencia doméstica.

*Palabras clave:* 1. indocumentadas, 2. incidencia, 3. visa U, 4. visa VAWA, 5. condado de Los Ángeles.

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## INTRODUCTION

In these turbulent times for migrants in the United States, when anti-immigrant sentiment has materialized in the form of laws sanctioning the presence of undocumented immigrants and persecution by authorities and certain citizens, the outlook appears bleak for highly vulnerable undocumented women who are victims of violence.

The perpetrators of these violent acts believe they have the upper hand over their victims due to the threat of deportation and potential separation from their children. Given this seemingly grim outlook, civil society organizations (CSOs) in Los Angeles County, California, have become beacons of hope for some victims, not just to alleviate their situation as victims of domestic violence (DV) but also generate certainty that their migratory status will improve through the regularization of their legal situation. The U visa and VAWA visa are options that encourage victims to file a report in the hope of a securing a better life. However, victims seeking assistance through these new channels face a long-winded process.

CSOs have been successful in encouraging victims to associate this liberalization in suppressing violence with leading a better life in their new country of residence. In a political and social setting that appears to persecute and criminalize undocumented immigrants on all fronts, visas are a significant form of support and a major step forward to regularize their migratory status, streamline procedures to demonstrate their status as victims, and apply for urgent relief.

This study examines CSOs that address domestic violence in Los Angeles County and the processes by which they provide assistance to help reduce the vulnerability of immigrant female victims of DV. Drawing from a theoretical and analytical framework based on local development, the analysis focused on one particular dimension –that of the political influence of CSOs– with the aim of explaining how they become agents of development. The research took a descriptive approach, using a qualitative method consisting in theoretical sampling and data collection through semi-structured interviews. It was found that the CSOs analyzed have developed mechanisms to assist and empower migrant women, establishing legal pathways to reduce xenophobia, racism, and deportation, thus becoming agents of development.

Theoretical frameworks that attempt to define violence or types of violence, or explain the drivers of violence against women, will not be discussed. Instead, the analysis will revolve around public and political influence<sup>3</sup> on regulatory frameworks and public policy.

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<sup>3</sup>Public influence (*incidencia pública* in Spanish) is understood to mean direct intervention through services providing assistance to victims, workshops, courses, or other events seeking social or cultural change to eradicate domestic violence. Similarly, political influence (*incidencia política*) is understood to mean engagement in areas of government and lobbying resulting in public policy-making at local or state levels (Müller, 2014).

Two basic elements are involved in political influence: citizen engagement and lobbying (París & Müller, 2016, p. 259), both of which are performed by these CSOs.

Female immigrants are part of an oppressed, excluded community that endures marginalization and reduced access to services, while violence against the community is justified by stereotypes regarding foreign cultures. Studies have confirmed the use of violence and an increase in vulnerability in accordance with migratory status (Dacer, 2013); not only is their undocumented status a risk for migrant women living in new destinations, but they have little chance of finding support services in a language other than English.

Martínez (2012) highlights the importance of activism to support these immigrant women, as they are vulnerable on many accounts. The lack of support spaces is notable, encouraging engagement by organizations to provide alternatives, eliminate institutional discrimination, and provide competent services. In spite of the patriarchal society they come from, and the structural factors that exist in the receiving destinations, women have a capacity for survival that goes beyond a subordinate or passive role. For Ayala, Moya, and Chávez (2012), associations are a force for change.

This study analyzed how CSOs help to change the reality of female oppression. Due to space constraints, this work summarizes findings on emerging and support services, since these are similar to results found in other studies, with a particular focus on the ways that organizations in the county have had a successful political impact, thus becoming agents of development.

This work is divided into five parts. The first explores the theory of local development and its agents, and the conceptual framework of CSOs. The second section presents the methodology, institutional resources to support victims of DV in the United States, and the Violence Against Women Act (VAWA), enacted in 1994 and which gave rise to the VAWA and U visas. The third part describes the CSOs of Los Angeles County and analyzes their political influence in the creation of a support program for women who have been victims of DV. The fourth section provides evidence of the political influence exerted by two organizations to support undocumented immigrants, specifically through the creation of secondary legislation making it easier to issue legal documentation. Lastly, the study conclusions are presented.

#### NOTES ON DEVELOPMENT

Boisier (2005, pp. 51-52) argues that development is a “local phenomenon, embedded in the economic, technical, social, and cultural characteristics of a particular place.” Likewise, he notes that this endogenous process takes place in small territorial units that promote economic dynamism and an improved quality of life for human settlements.

Local development is complex due to the large-scale and wide-ranging interests that come into play in a given region. Development will be the result of cooperation between

actors, who in turn need an institutional and organizational environment that supports and directs their efforts. Local development, as observed, brings about changes in two dimensions: it stimulates the economy and improves a population's quality of life. This research only examines the second of these dimensions, on the understanding that an improvement in quality of life is given by CSOs' capacity to provide support, generate collective learning, and promote a cultural and political change that reduces the vulnerability of female immigrant victims of violence.

### *Agents of Development*

The terms *development actor* and *agent of development* are sometimes used interchangeably. Development actors are identifiable by the scene they act on, meaning the social setting, whether this be a company, an organization, schools, the public sector, etc. On the other hand, *agents* of development are associated with a goal-based sense of action (Pierdomici & Mochi, 2011). In this sense, a social actor could be any individual, organization or company in a given region, but only those carrying out specific actions to achieve goals can become agents of development. As mentioned, development is the result of the organizational capacity of actors in society. Arocena (2001) remarks that one conditioning factor in local development is local actors' capacity to become agents of development. "Being an agent of development means having two roles: on the one hand, as an analyst, you must have a capacity for diagnosis; as an activist, a capacity for action," (Pierdomici & Mochi, 2011, p. 54).

These agents of development must be equipped with skills and need to be aware of local resources and support initiatives for development. They should have an extensive understanding of the region to identify poorly-developed areas or areas with specific problems that could serve as a basis to create projects to address them. Agents of development promote partnerships between different actors and networks that enable them to accomplish their goals, support the establishment of new organizations and the creation of territorial observatories for the problems they address, and systematize successful experiences (Pierdomici & Mochi, 2011).

With respect to support for women who have been victims of DV, agents of development must be more than mediators or articulators. In the words of Pierdomici and Mochi,

Agents of development advocate and show commitment to the broader development process, the aim of which is to further citizens' well-being beyond territorial insertion; prevention means taking specific action, being committed to action [...] the conduct of these agents enables a high degree of influence over the type and nature of development (both in individuals and regions). Agents pursue their activities based on certain attitudes

learned professionally and others drawn from knowledge acquired tacitly (Pierdomici & Mochi, 2011, p. 54).

Agents of development have the capacity to build local power. This power is nourished by their decision-making capacity, organizational capacity, and influential capacity. For Pierdomici and Mochi (2011), these agents are professionalized and must act within a specific area. For gender-based violence, these actions must pursue the empowerment of individuals or the region.

#### CONCEPTUAL FRAMEWORK OF THE SUBJECT OF STUDY: CSOS

CSOs work for the public good, are autonomous, and operate on a non-profit basis. They include social clubs, business associations, professional associations, labor unions, political parties and organizations, research centers, philanthropic organizations, volunteer organizations, religious organizations, foundations, etc. (Müller, 2014).

Civil society organizations should be understood as a free and voluntary association of citizens within specific areas of social life. These associations seek to influence public decisions and associated legal frameworks. They are stable, self-organized groups, with a relationship structure, operating rules, and relatively fixed objectives; in most cases they tend to professionalize the actions they carry out (Canto, 2004). They may be formal or informal. These groups are diverse in nature and may take many different forms: economic, cultural and informative, educational, interest or development groups; civic associations; or groups with more targeted activities, such as those that protect women's rights, or in this case, the rights of women who have been victims of intimate partner violence. It is worth noting that these associations can be classified in terms of their actions, activities and values, or other aspects (Müller, 2014).

These associations take on roles that may also serve as a basis for classification: some represent the interests of specific groups, and others seek to engage with the government and other actors in society to achieve their goals. Yet others seek to mobilize social actors to increase awareness and their impact on a specific issue. Others are devoted to regulating and monitoring state performance, the conduct and actions of public officials, or social development to improve their own welfare or that of other minority groups.

Older civil society organizations have a focus and social reality, in addition to their functions in terms of engagement and lobbying. Newer organizations generally work in networks and coalitions. These networks include actors, other non-governmental organizations and intergovernmental organizations, and usually enjoy financial support from international agencies and certain governments keen to enforce the legislation they are seeking to promote (Aikin, 2011).

Working in networks also entails processes to establish joint projects closely linked to economic, political, and cultural processes, and which lead to new forms of action and

social intervention with viable, sound proposals and alternatives for specific sectors of the national population (Müller, 2014, p. 94). At a local level, development stems from actors' capacity for collective action; it is the result of an organizational and institutional effort. A higher level of collaboration, cooperation, socialization of knowledge and learning is associated with a higher level of engagement in public affairs and greater political influence. Coordination with other non-profit associations and volunteer groups helps to establish joint projects with association centers, form self-help groups, and coordinate with public health and medical agencies.

## METHODOLOGY

*Methodology is a way of thinking about and studying social reality;  
the method is a set of procedures to collect and analyze data.*  
Strauss & Corbin (2002, p. 1).

The methodology chosen for this study is qualitative in nature and the analysis is based on grounded theory. Qualitative methodology has been defined as an attempt to gather information on behavior by observing events and activities. Its focus is on obtaining open textual data, in the local population's own words and phrases, with the particular goal of collecting information on the context of behavior and the systems that influence behavior (Strauss & Corbin, 2002).

Meanwhile, grounded theory, proposed in the 1960s by Barney Glaser and Anselm Strauss, serves as support in interpreting phenomena using the qualitative method. It is generally used when researchers hope to establish theories on the phenomenon studied, or when the concepts associated with the phenomenon studied, or a specific population, are unknown (García & Manzano, 2010), as was the case in this study.

This methodological proposal calls for a systematic, organized process, similar to other methods while offering the advantage of flexibility. The methodological process is not linear; it involves going back and forth in data collection, analysis, and theory-building – a dialectic process. The importance of following a qualitative methodology to explain social facts is that it provides a deeper understanding and makes it possible to interpret reality based on different qualitative analysis research methods such as grounded theory, as mentioned above, and is characterized by the fact that researchers work from data to go on to generate and interpret concepts.

Theoretical sampling was performed with the aim of selecting new cases to study and expanding concepts and theories or providing new data (Cuñat, 2007, p. 2). Given the study objective, this research involved a specific population group: Mexican female immigrant victims of DV in Los Angeles County, California, and the as-yet unknown "subjects" who may or may not provide services for them.

Initially, migrant organizations were considered subjects of study, as it was believed that these organizations would bridge these gaps in support with strategies to

counter DV, as a result of the consolidated networks existing in Los Angeles, as they have done in other areas, such as culture, sport, and even politics. However, although the organizations contacted indicated that they were aware of the problem, they had no mechanisms in place to provide support. With no answers to be found in migrant organizations, CSOs were sought that addressed DV.

The study was delimited geographically based on the area with the largest population and highest number of CSOs in the state of California; it was found that Los Angeles met both criteria. The county has a population of 10,192,374 inhabitants<sup>4</sup> and is home to 28 of the 126 CSOs in the state of California.<sup>5</sup> Contact was established with CSOs in the cities of Santa Clarita Valley, Long Beach, and Los Angeles.

The information was collected by conducting six semi-structured interviews with the coordinators of support centers for the CSOs selected,<sup>6</sup> with the aim of gaining insight into the services they offered and whether these services were used by immigrant women, and determining whether support networks had been established. The CSOs chosen were the Domestic Violence Center of Santa Clarita Valley (DVC of SCV), based in Santa Clarita Valley; WomenShelter of Long Beach (WSLB) and Su Casa Ending Domestic Violence (Su Casa), in the city of Long Beach; and in the city of Los Angeles, the Casa de la Familia, Central American Resource Center (CARECEN) and the Los Angeles Center for Law and Justice (LACLJ).

#### INSTITUTIONAL RESOURCES TO SUPPORT VICTIMS OF DOMESTIC VIOLENCE IN THE UNITED STATES

In practice, the United States relies on civil society organizations to meet the needs of the community (Lester, 1996). The federal law VAWA, for example, provides CSOs with resources and capacities. It recognizes victim service providers as any “nonprofit, nongovernmental or tribal organization or rape crisis center, including a State or tribal coalition, that assists or advocates for domestic violence, dating violence, sexual assault, or stalking victims, including domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking,” (103<sup>rd</sup> United States Congress, 1994).

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<sup>4</sup>Based on “Estimated Population of the 88 Cities in the County of Los Angeles.”

<sup>5</sup>Based on Domestic Violence Member Program (2015). The California Partnership to End Domestic Violence.

<sup>6</sup>The interviews were conducted in the offices of the support centers in total privacy. No other members of staff were interviewed, as only coordinators are aware of the various processes. Furthermore, in order to access other areas and the women using these services, a specialized 40-hour training course was required, which is offered twice a year by these CSOs and did not coincide with the fieldwork.

In general, it is CSOs that are responsible for providing support services to women. According to congressional reports, programs arising from VAWA are aimed at “addressing the needs of individuals in a special population group (e.g., elderly, disabled, children and youth, individuals of ethnic and racial communities, and nonimmigrant women),” (Seghetti & Bjelopera, 2012, p. 3).

VAWA has given rise to two key resources for the protection of female immigrant victims of DV: the VAWA visa and the U visa.

The VAWA visa is a resource that allows women to self-petition<sup>7</sup> for permanent residence if they are able to prove that a) they are or were legally married to a citizen or permanent resident; b) they live or have lived with that person; c) they have been abused or the victims of extreme cruelty; and d) they are of good moral character (no criminal record). This process costs around 580 U.S. dollars. A visa can be obtained under VAWA while the woman is still married or within two years of divorcing or becoming a widow. A fee waiver is available under VAWA for petitioners who complete the procedure themselves, with no intermediary (U.S. Citizenship and Immigration Services, 2014).

The U visa, created for victims of violent crimes including DV, allows some victims to remain in the United States for four years. Three years after obtaining a U visa, holders are eligible to apply for permanent residence (a Green Card), and eventually citizenship (U.S. Citizenship and Immigration Services, 2014). In sum, there are four requirements for the U visa: 1) to have been a victim of crime in the United States, so in the case at hand, to have suffered domestic violence; 2) to have assisted authorities in the investigation or prosecution of DV; 3) to have suffered physical or mental harm; 4) to apply for a pardon (a waiver of inadmissibility) for certain acts, including crimes and violations of immigration law (U.S. Citizenship and Immigration Services, 2014).

CSOs may or may not act as agents of development, and it is precisely with respect to the limitations of VAWA that these CSOs take on importance, as they work on the law and have even brought about changes to the law, as observed during the study.

## CIVIL SOCIETY ORGANIZATIONS IN LOS ANGELES COUNTY

The CSOs studied provide social services crucial for the survival of victims of violence and have impacted the region through their public and political influence. These organizations help to fight the vulnerability of immigrant women by providing immediate assistance, ranging from shelter and food to legal and psychological support.

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<sup>7</sup>The VAWA resource is only for women who were married to a citizen or permanent resident, who may petition for citizenship or residency for a spouse. Self-petition occurs if the citizen or resident never petitioned for these benefits for the spouse. This resource is available for both men and women.

Each of these CSOs is regulated by the IRS, which classifies them as non-profits. Specifically, this law does not just regulate economic aspects, but also their public and political influence. For example, those classified as 501(c)(3) do not have legal access to lobbying. In addition to this classification, we include one of our own, dividing CSOs into two types on the basis of their activities, namely whether they play a direct or indirect role in fighting domestic violence. Those with a direct role are those working solely to provide various forms of support to women who have suffered abuse, including shelter for a period ranging from one to six months and other comprehensive services like group therapy, childcare, and assistance with moving to a new safe home. Indirect organizations are those that do not specifically aim to provide DV support services, but carry out essential work to protect and empower victims.

Table 1. CSOS Interviewed, Classified by Type of Role and IRS Classification

<b>Name of CSO</b>	<b>Role</b>	<b>“Non-profit” Classification</b>
The Domestic Violence Center of Santa Clarita Valley (DVC of SCV)	Direct	501 (c)(3)
Women Shelter of Long Beach (WSLB)	Direct	501 (c)(3)
Su Casa Ending Domestic Violence (Su Casa)	Direct	501 (c)(3)
Casa de la Familia	Indirect	501 (c)(3)
Centro de Recursos Centroamericano (CARECEN)	Indirect	501 (c)(3)
Los Angeles Center for Law and Justice (LACLJ)	Indirect	501 (c)(3)

Source: Types of Organizations Exempt under Section 501(c) by IRS GOV (2016).

One of the most important organizations is CARECEN, which provides services specifically aimed at migrants, women, children, and men (Gómez Johnson, 2016). Its objective is to “provide low-cost legal immigration services, advocacy of immigration policies, educational reform and workers’ rights, and expertise in organizing parents, youth, and workers” (CARECEN, personal communication, March 5<sup>th</sup>, 2016).

Regarding support for migrant women who have been victims of DV, this organization is the most representative in U and VAWA visa applications, and also has the highest influential capacity.

On the other hand, although the LACLJ organization has extensive experience working with immigrants, it has only fairly recently joined others in providing support specifically for female immigrant victims of DV by specializing in U and VAWA visa applications.

Providing legal support to low-income groups, mostly immigrants and Latino populations in Los Angeles. In reference to support services for victims of violence, I would say that the legal issues involved in DV are complex, which explains how support from a lawyer can empower survivors (LACLJ, personal communication, February 19<sup>th</sup>, 2016).

Even CSOs classed as 501(c)(3) work in coordination with the government of California and the Department of Justice of Los Angeles. These institutions have shown a willingness to work together and established mechanisms that benefit women in general, protecting them from discrimination based on gender, race, ethnicity, or legal status, and facilitate the processes that enable them to meet the U and VAWA visa requirements.

One result of the CSOs' political influence is the Domestic Abuse Response Team (DART) program, launched in 2001, an initiative born of working meetings between the associations of the state of California, and which provides women with broader access to information on their options in situations of violence. The DART program also enables organizations to ensure that police do not commit acts of discrimination based on gender, race, ethnicity, or immigration status, and although the project is recent, positive outcomes are expected.

DART, founded through these same associations, works as follows: when a DV report is filed, there's someone from the associations at the police station who accompanies the police officers, in a separate car, to attend the call-out. This way it is possible to talk with the victims and we can offer them all their options (DVC of SCV, personal communication, February 22<sup>nd</sup>, 2016).

We met up with the police, the district attorney, and other associations we work with, and that's how the idea came about for a program that enables a counselor to be present whenever there's a DV report. It's been good because when the police get there, they can't engage emotionally with the victims, and the victims are afraid of the police, so DART allows a counselor to handle the report and this gives them more confidence (WSLB, personal communication, February 28<sup>th</sup>, 2016).

In the United States each state has its own laws, and DART is just for California. It's a highly functional program that is the product of work by the police and organizations like ours that work with victims of DV. The police want reports filed, we want to provide strong support; through DART we are

able to give them all the information, and for example, we tell migrant women that there's no danger if they file a report, we'll be there for them (Casa de la Familia, personal communication, February 24<sup>th</sup>, 2016).

Organizations that work indirectly have a greater capacity for and interest in lobbying. CARECEN is able to exert more influence than any other association, perhaps because since its inception it has always striven for migrants' rights.

We are members of various national, state and local coalitions of social justice entities that seek to bring about changes to policies on immigration and educational reform and workers' rights. Every year organizers from CARECEN plan a campaign agenda in each of these areas. Sometimes alongside partners in coalitions, and sometimes alone, CARECEN organizes advocacy actions and activities to support these campaigns, which range from marches to visits to legislators and information fora (CARECEN, personal communication, March 5<sup>th</sup>, 2016).

#### POLITICAL INFLUENCE OF THE ORGANIZATIONS CARECEN AND LACLJ

In terms of DV, LACLJ and CARECEN have participated in lobbying for decisions regarding the U visa. Their most recent achievement is SB 674 Victims of crime: nonimmigrant status (2015-2016). This law is a step forward in terms of support for immigrant women who have been victims of violence, as its goal is to reduce structural violence; at times, due to problems of racism and xenophobia, public officials tolerate abuse toward immigrant women, and this law stands in contrast to laws enabling and promoting discrimination based on gender or legal status (VAWA), requiring police officers to issue the police certificate necessary for both the mechanisms that directly support immigrants: VAWA and the U visa.

This year a law was passed requiring all police officers to consider issuing the certificate if the client (the battered woman) cooperated; in the past, the police would refuse to sign it under any circumstances, now they have to handle the request. This law was promoted by associations; the process involved contacting representatives of state government and explaining to them what was happening, because there were clients who didn't have the certificate and that was stopping them from applying for a U visa. We gave them examples, cases... and then it was the state government that proposed the bill. They spoke to police officers, and saw that this was a good way to give full support to migrants and law enforcement agencies, and this way stronger links would be established with the migrant community (CARECEN, personal communication, March 5<sup>th</sup>, 2016).

As mentioned above, CSOs classified as 501(c)(3) are legally barred from engaging in political lobbying, so this is considered one of the main achievements of CSOs in Los

Angeles County. Their experience can be considered successful. These organizations have engaged alongside the state of California in response to the state's interest in cutting DV-related crime. CSOs and the government have established two-way communication: organizations communicate their needs to the state, and the state responds with laws that facilitate their work.

These organizations do not only exert influence by lobbying; some people do not take part in decision-making but do achieve a public impact. These organizations help to reduce short and long-term vulnerability by seeking to empower women through their actions at the resource center or by educating new generations, teaching them to maintain healthy relationships and, for those who have already suffered DV, change the way they interact.

The following section describes the processes performed by two organizations offering services that complement emergent intervention.

The primary objective of the two organizations that follow, CARECEN and LACLJ, is to provide advocacy support to the immigrant community. As far as DV is concerned, these CSOs perform services associated with VAWA and the U visa.

For immigrant women VAWA and the U visa are options they didn't have before; they were deported and often separated from their children. Now these resources are a chance to turn something dreadful into something really good (LACLJ, personal communication, February 19<sup>th</sup>, 2016).

VAWA gives them the chance to get their papers in order without support from their husbands, but they need to have been married to a resident or citizen. It provides an opportunity not just for women, but also men or gays; now they're willing to review different types of rape. As for the U visa, it gives them a chance to resolve their situation. In other words, now there's a way forward. It's not perfect, but it's there, and ten years ago there was nothing (CARECEN, personal communication, March 5<sup>th</sup>, 2016).

Those that turn to these organizations have come from support centers, shelters, or transitional housing, which is why their procedures begin when they are resident there. Others are referred by the police or the Mexican Consulate, and they received initial legal information from those sources. Users calling the emergency hotline or arriving at the center for the first time are given full information, regardless of how they arrive.

In reality the requirements are legal formalities, and often not met due to discrimination issues:

The restraining order, the police report; this report is very important, before the police didn't use to sign it, and it's crucial for the procedure (LACLJ, personal communication, February 19<sup>th</sup>, 2016).

The restraining order is crucial because for a U visa there has to be an investigation into a crime. This means that if these are people who suffered DV

but never reported it to the police, for fear of the attacker or the possibility of deportation, the application is inadmissible; if there's no report, there are no grounds to start a U visa application (CARECEN, personal communication, March 5<sup>th</sup>, 2016).

It would seem that the procedures are simple and victims only have to obtain a police report, but this takes about a month.<sup>8</sup> After the temporary restraining order, they must go to a court of first instance to get a court date for a hearing to obtain a permanent restraining order<sup>9</sup> (The Judicial Council of California, 2019). Once they have a court date, they must return to the police office to obtain the police report. This report is important as proof that the victim is cooperating with the government to solve the crime.

CSOs begin providing support once victims have a court date to obtain a permanent restraining order. The designated lawyer helps them to fill out the documents to be presented in court. There is a fee of fifty dollars for this service (the initial session), and at this point the applicant is informed if her case is likely to be eligible for VAWA or a U visa.

The police consider this procedure a good sign that the victim is cooperating, as once the judge has made a determination, it is no longer a case of victim versus assailant, but the state versus the assailant; it is a way of enforcing the law (LACLJ, personal communication, February 19<sup>th</sup>, 2016).

In the experience of these organizations, the restraining order was one of the most difficult documents to obtain, because not all police officers were willing to sign them, with some even claiming they had no time to do so. There are currently two resources that are a significant accomplishment in terms of providing support for female DV victims: the complementary law SB 674 and DART. The latter is a program that not only offers a new form of support for victims in police departments, but is also a way of monitoring discriminatory conduct toward immigrants.

The most difficult requirement we've seen for U visas is obtaining the police certificate. Without it they cannot file their application and we've seen cases in which the police have said the person was not cooperating because she didn't answer the phone, or because the assailant was threatening her and she was afraid to continue talking to the police. In the past we've seen police officers who say they're not going to issue a certificate for any U visa case because it takes longer (CARECEN, personal communication, March 5<sup>th</sup>, 2016).

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<sup>8</sup>The restraining order obtained when women call the police is only valid for 30 days. It aims to avoid any new violent incidents, and during that period, women are encouraged to attend therapy, separate from their partners, go to a shelter to begin legal proceedings, etc. DART currently offers all possible options. During this 30-day period, women who wish to continue with the process of "putting an end to the abusive relationship" must go to court and obtain the police report.

<sup>9</sup>Despite being called a permanent restraining order, in reality it is only valid for five years.

One benefit mentioned by the organizations is that VAWA lays the groundwork for victim support, but each state is able to manage resources in a way that helps the law to function properly. The DART program is certainly a positive tool, but it did not force police officers to sign the report.

This advocacy and coordination work with the state of California led to the creation, last October 2015, of the complementary law SB 674 (SB 674 in § 679.10 of the Penal Code), requiring all law enforcement officers to issue the police certificate.

On January first, 2016, a law came into effect making it compulsory for police officers to issue the certificate for a U visa, whenever victims have been helpful. Before then the police were free to sign or not, and as a result many U visa applications couldn't be completed. Now it's an obligation (LACLJ, personal communication, February 19<sup>th</sup>, 2016).

This year a law was passed requiring every police officer to issue the certificate if the client cooperated, so those who, in the past, wouldn't sign under any circumstances now have to consider this request. We exposed cases in which we proved that many clients were unable to file their applications because they were missing the report, there were cases of eight-year waits... now the police have to give you a response within 90 days; the wait used to go on for years, now by law they have 90 days. That only applies to California; sometimes we get clients from other states and if the police won't sign certificates, there's nothing we can do. If the police officer who handled the first report did not prepare this document, the client can approach another officer, who may add to the case file, but I don't know if there's any sanction for the officer (CARECEN, personal communication, March 5<sup>th</sup>, 2016).

Once the police report has been obtained, cases are reviewed to determine if they qualify for VAWA or the U visa, and funding is secured for these services. For VAWA the cost is around 580 U.S. dollars; often this expense is covered by the California Victim Compensation Program. The U visa is very different; although there is no application fee, the process is carried out by lawyers, and is reported to cost between about 1,500 and 2,000 U.S. dollars. For Mexican women, the consulate funds this service up to 1,000 dollars, provided the victim meets the legal requirements.

Clients must demonstrate they have suffered physical or mental harm, and to that end a psychological evaluation is requested as proof they have been victims of violence. To obtain this evaluation, both organizations are associated with Casa de la Familia. In addition to this evaluation, victims are asked to provide as much supporting evidence as possible, including photographs and medical reports.

The psychological report is a requirement to determine if the harm they have suffered is sufficient. If there is no physical harm, this letter detailing the psychological harm helps. It might just be one incident or it might have

gone on for years, which makes for a stronger case because there's more evidence (CARECEN, personal communication, March 5<sup>th</sup>, 2016).

The processes are lengthy. For U visas, it takes roughly two to three years to review each case and make a determination. Each year 10,000 visas are issued. If a mother's visa is approved, her children are also entitled to one. According to the CSOs, there is a backlog of about 40,000 people, or four years. If the victim is successful in her U visa application, she can apply for a work permit 18 months after obtaining the U visa while she waits to receive her visa. After holding the visa for three years she can apply for permanent residence. Before then she is unable to leave the country.

The VAWA process is quicker and takes about five months as there is less demand, according to the CSOs.

If the victim married a permanent resident, "the wait time to apply for residency will depend on the victim's country of origin, because the United States issues a certain number of visas for each country, and they manage these visas" (LACLJ, personal communication, February 19<sup>th</sup>, 2016).

Once permanent residence is approved, it is issued with no further delay. By the associations' own account, 90% of the VAWA visas they apply for are approved (CARECEN, personal communication, February 19<sup>th</sup>, 2016).<sup>10</sup>

One requirement for VAWA and the U visa is a waiver of inadmissibility if victims have a criminal record, received any form of government support like Medicaid or food stamps,<sup>11</sup> lied about their legal status by presenting false documents or (for VAWA and the U visa) if they entered the country illegally, are currently on trial, have been in court, have a removal order, or were placed under any special program, such as probation.

Deportation is a recurring issue. Rocha Romero and Ocegueda (2013) note that many women are detained by U.S. Immigration and Customs Enforcement (ICE) when they initiate their visa application or during the visa process. This is also commonplace in other states, due to issues associated with discriminatory and racist attitudes, but is not legal. In other words,

Once the process begins and they submit their application, they're given proof of receipt by the emigration department<sup>12</sup> [*sic*], which protects them from deportation until a decision is made. After 18 months they receive a work permit and are granted deferred action, which protects them from deportation until the U visa arrives (CARECEN, personal communication, March 5<sup>th</sup>, 2016).

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<sup>10</sup>LACLJ did not give the total number of visa applications made, only the number of visas approved: 35 VAWA and 50 U visas. For CARECEN, 50 VAWA visas and 250 U visas were approved in 2015.

<sup>11</sup>This does not apply if they have children who are citizens.

<sup>12</sup>The interviewee refers to Immigration Department.

What is certain and must be stressed is that for U visa applicants, the situation is not easy and they must keep a clean record. This is due to the fact there are simple acts like refusing to provide information upon request by a judge, public drunkenness, vandalism, and working without a permit that are misdemeanors but can lead to the visa being revoked.

Now it takes longer for U.S. Citizenship and Immigration Services (USCIS) to make a decision on U visa application. This is a long and very difficult time for those who are detained and cannot be released on bail. Of course, it's very difficult for those outside too, especially because while the decision is still pending, they have no work permit (LACLJ, personal communication, February 19<sup>th</sup>, 2016).

If the visas are ultimately denied, victims must be referred to ICE for deportation; however, they report that this is not always the case. If deported, the women can apply for the visa from outside the country.

The law says that if the visa is not granted, they'll be referred to immigration, but that's not been our experience. Only if the client has a criminal record or an open deportation process will that process continue. The U visa has an exception if the victim was deported – a waiver – and if accepted, the victim can return to the country or begin the residency process. The process is longer because they won't be able to enter the country until they physically receive the U visa (CARECEN, personal communication, March 5<sup>th</sup>, 2016).

The U visa and VAWA are two real possibilities for immigrants. However, many do not qualify or do not meet the requirements to apply, and in other cases the visas are simply denied. Given this situation, Stephen (2016) notes that women have two options: stay with the attacker, or risk deportation because the system does not recognize them as victims but criminals on account of their immigration status. In light of this, CSOs in Los Angeles County do not just perform services at a lower cost: their contribution has gone further by seeking solutions hand in hand with the state.

Through their networks, CSOs have promoted laws and programs (SB 674 and DART) that make it possible to monitor police conduct, encouraging them to perform the formalities required to apply for these visas. These mechanisms, when they function properly, offer significant support for immigrants by protecting women from misconduct by public authorities due to racist or discriminatory attitudes.

## CONCLUSIONS

This work contributes to research on the assistance given to female immigrants who have been victims of violence in the United States, with a focus on services and the actors

that provide them. The study explored the public and political influence wielded by CSOs in terms of the support provided for female immigrant victims of violence in order to explain how they become agents of development.

In the United States, support for female victims of DV falls under the responsibility of civil society organizations and is controlled through the state. The VAWA law provides CSOs with resources and capacities, while institutionalizing discrimination and inequality by banning support for immigrant women.

Paradoxically, although VAWA denies immigrant women access to assistance, it does establish two mechanisms allowing them to obtain permanent residence: the VAWA visa and the U visa. These mechanisms are inclusive, but rather than supporting immigrants, their key aim is to increase crime reporting and reduce DV incidents.

CSOs in Los Angeles County enjoy a consolidated network. According to Müller (2014), newly established organizations tend to work in networks and coalitions to achieve their goals more effectively. Other CSOs are over thirty years old, and over time, they too have strengthened networks that enable them to cooperate and coordinate better to provide comprehensive assistance and establish strategies to achieve a more effective political impact.

Casa de la Familia is one of the few CSOs that has a license to issue a psychological evaluation certificate, an essential requirement and supporting evidence for VAWA and U visa cases. This service is not subsidized and the cost must be met by victims, although they are given the chance to pay in installments.

LACLJ has operated for over thirty years, but only two years ago began to specialize in DV-related cases: VAWA and the U visa. Ninety percent of applicants are Mexican. CARECEN, on the other hand, has over 33 years' experience in protecting the rights of Central American migrants, and 10 years working with VAWA and U visa cases. Seventy percent of users are of Mexican origin. Both organizations have a close relationship with the consulate, and their social work consists in carrying out the necessary procedures at very low cost.

In order of importance, the police report and psychological evaluation are two key documents without which it is impossible to initiate the application process. These process are very time-consuming; for VAWA, the process to obtain permanent residence may take six months to a year. For the U visa, the review process takes about two years, and if approved, it is not issued immediately. The United States only grants 10,000 a year, and there is currently a four-year waiting list. When they begin the application procedure, they receive a permit to reside legally in the United States, but which does not allow them to work, and with no means of supporting themselves their vulnerability increases. Once they receive the visa, they have four years to apply for a Green Card and obtain permanent residence. The U visa puts the deportation process on hold pending a determination, but for those in jail, the process is hardly pleasant.

Two organizations working indirectly, LACLJ and CARECEN, stated that the DART program and SB 674 are the result of lobbying. These mechanisms make it possible to control racist attitudes, requiring police officers to issue police reports, an important document in enabling assistance in shelters and for the U and VAWA visa processes. The priority of the strategies established together is to meet the needs of the population they serve. Networking has enabled these organizations to better protect female immigrants who fulfill the requirements.

An analysis of the services offered by these CSOs found that it is undocumented women and women with children born outside the United States that are most vulnerable. Even so, having children born in the United States is a double-edged sword, as they need police authorization or they may be charged with child abduction if they attempt to flee to a shelter. On the other hand, having citizen children gives them access to certain state-provided resources. Shelters carry out additional activities to obtain financial and in-kind resources that allow them to serve immigrant women who have been victims of DV, in contrast to the VAWA law.

Regarding these organizations' public and political influence, we believe they have contributed to recognizing the oppression endured by women, including undocumented immigrants. The organizations studied have called for awareness that goes beyond the private sector and interpersonal relations, formulating proposals that ensure women receive dignified treatment and are not discriminated against on the basis of gender or race in public entities.

One result of this political influence is the DART program and SB 674, promoted by the CSOs in conjunction with the state of California. Both represent significant progress. DART reduces structural violence, attempting to control gender, race and ethnicity-based discrimination. SB 674 stands in contrast to laws that permit and encourage exclusion and discrimination on the basis of gender or immigration status, requiring police to issue a police certificate, which is necessary to begin the application procedure for two mechanisms that directly support immigrants, VAWA and the U visa.

CSOs respond to the needs of the surrounding environment; the only organization not to serve immigrants cited a lack of demand. On the other hand, CSOs established in Los Angeles and Long Beach have sought mechanisms to serve the population, and although not all users are Mexican, most are immigrants.

The organizations are very closely tied to the local population. This can be observed in the positive self-funding strategies they have developed. They have established strong networks that enable knowledge transfer and the professionalization of support through monthly, quarterly, biannual and annual meetings. These networks facilitate and encourage two types of activism: activism associated with intervention in public spaces and political activism. Both help to respond to the vulnerability faced by women, both on account of their gender and status as migrants. CSOs work together with the government of

California, and to a lesser extent with the Mexican consulate, which has found in these associations an opportunity to serve its fellow citizens in Los Angeles County.

CSOs have developed strategies to support female immigrants, but their actions have not just served to provide assistance. Indeed, the CSOs of Los Angeles County have promoted –using their political influence– mechanisms that control racist and exclusionary attitudes, thus ensuring that immigrant women receive better treatment.

In general, CSOs do a lot more than expected to improve women’s quality of life despite economic and regulatory constraints, making an extraordinary effort to provide assistance under the principle of universality. CSOs have an increased impact on immigrants’ lives as they have managed to generate mechanisms to control racist and xenophobic attitudes. CSOs that work directly with DV are vital for the recovery of battered women and their public influence is undoubtedly the strongest tool available to change the ideologies and roles that reaffirm this inequality. In general, and in light of everything stated above, it can be considered that these CSOs are indeed agents of development.

Translator: Joshua Parker

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