Domestic Violence Advocacy and Immigration Policy: 
A Discourse Analysis 
of Structural Constraints on Empowerment

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Domestic violence advocates commonly express frustration and a sense of helplessness when working in systems that offer few options for the immigrant women with whom they work. Allen, Bybee and Sullivan (2004) argue that comprehensive domestic violence advocacy involves many social institutions including the criminal justice system, health care and social services and religious organizations. However, advocates who work with immigrants find that many of their standard advocacy tools do not serve immigrant clients who are barred from accessing health and human services due to their temporary or undocumented immigration status.

Advocates working with immigrants utilize a variety of strategies to support their immigrant clients while navigating the realm of possibilities, depending on the needs of a woman and the constraints of her immigration status. These include ways to address immigration in their safety-planning, strategize with their clients around immigration options, and explore support systems for securing basic needs of the woman and her children (e.g. shelter, financial assistance, food, and health care). This research examines how advocates seek to support their client’s self-determination within the bounds of subjectivities produced through the state’s immigration policies. Advocates who took part in this study also talked about the strategies immigrant women use to support themselves, to protect themselves and their children from their abuser, while averting the least desirable consequences imposed through the immigration system.

Research with immigrants contending with domestic violence has shown that immigrants are less likely to access social services than their U.S. citizen counterparts due to social isolation, language barriers, discrimination, and fear of deportation (Acevedo, 2000; Bui & Morash, 1999; Raj & Silverman, 2003). Since the passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRAIRA), legal immigration status is increasingly link to eligibility for public benefits (Fix & Jeffrey, 2002). The Violence Against Women Act (VAWA) of 1996 and 2000 introduced provisions for “battered immigrant women”, to limit the putative ability of abusers to use immigration to blackmail their spouses (First & Orloff, 2005). Through VAWA, some immigrant women are able to legally adjust their immigration status to that
of a legal permanent resident and thus leave their abusive spouses without fear of deportation. However, the bulk of immigrants who entered the U.S. after 1996, who are legal aliens or legal non-immigrants with temporary status, who are not married to their abusive partners, or are undocumented remain unprotected under VAWA and have little or no recourse in times of domestic crises. In the spirit of activist scholarship, the findings from this study can contribute to policy changes that will increase immigrants’ access to social and health services and prevent domestic violence and its devastating social and health sequelae for already marginalized populations.

 Locating the Work

This research grew out of a two-year collaboration with domestic violence advocates and staff at a non-profit organization serving South Asian women in crisis and need in the Pacific Northwest. Through principles of participatory action research (PAR), this dissertation project employed research as a means for the researcher and community members to learn from each other (Hatch, Moss, Saran, Presley-Cantrell, & Mallory, 1993), address power imbalances (Israel, Schulz, Parker, & Becker, 1998), empower participants (Fawcett et al., 1995), democratize knowledge (Sohng, 1996), enhance the relevance of research and connect research to larger social change efforts (Giachello et al., 2003). In the case of domestic violence research, where ensuring the safety of participants is paramount (Langford, 2000), PAR is one means to work towards accountability to the interests of those whose lives are most impacted by the research; in this case immigrant women struggling with domestic violence, domestic violence advocates, and immigrants organizing for change in their communities and in the broader society.

Method of Data Collection and Analysis

This research involved an ethnographic study of domestic violence advocacy with South Asian women in the United States pursuant to understanding the political context of working with immigrant women in crisis and need. Applying ethnographic tools to the study of social issues such as domestic violence provided insight into how dynamic economic, political and cultural processes impact people’s everyday lives (Manalansan, 2000). The research involved four phases: I) discourse analysis of federal policy on immigration and violence against women policies; II) six-months of participant-observation at a domestic violence agency and local and national trainings and conferences focused on advocacy with immigrants; III) nine open-ended interviews with domestic violence advocates and immigration lawyers who work with South Asian women in the Pacific Northwest, and IV) five targeted interviews with domestic violence advocates who work at South Asian domestic violence organizations throughout the United States.

The discursive texts used as data in this dissertation include legal discourse in public law, authoritative texts generated by immigrant rights groups, and everyday discourse of immigration attorneys and domestic violence advocates working with immigrant women. Through an intertextual analysis of language as texts, language as
representation, and language in use, I trace the centripetal and centrifugal dynamics as theorized by Bakhtin (1981). Bakhtin’s (1981) discussion of heteroglossia displaces the assumption that individuals create meaning. Similarly, the hermeneutic philosopher Gadamer (1979) suggests that ‘language speaks us’ insofar as social actors enter the subject-positions available to them through various discourses. Social actors achieve agency by reproducing and changing this linguistic inheritance through their participation in it (D. Allen, 1995). Thus, when immigration lawyers and domestic violence advocates take up the legal discourse of the “battered immigrant” in their advocacy, they are, at once, inheriting the complex tensions and hierarchies within the existing discourse, while also participating in its potential transformation.

Through analysis of the discursive strategies used in domestic violence advocacy with immigrants, I explore the iterative process that advocates, as social actors, take on when negotiating the confines of existing socio-political structures, while strategizing ways to open, bend, or expand options for immigrants who are marginalized through public policy and social service delivery. I draw upon feminist standpoint theory to analyze the intersubjectivity inherent in advocacy discourse. Standpoint theory signals an effort on the part of social actors, to reflexively consider how their life experiences and social locations influence their interpretation of the world. My use of standpoint theory also signals my feminist political orientation and the influence of feminist scholars such as bell hooks and Patricia Hill Collins whose Black feminist epistemologies exemplify the praxis of standpoint theory.

As an epistemological stance, standpoint theory is a method to decenter hegemonic discourses of immigration and domestic violence through centering the perspectives of advocates working with immigrants, many of whom are immigrants themselves. To this end, I draw upon Collin’s (1990) discussion of the epistemic privilege of the oppressed to examine how advocates address the interests of their clients while negotiating the state’s regulation of immigrants. Developed in Black feminist epistemology, Collins articulates how those who are multiply oppressed also have multiple points of epistemic privilege. This sense of privilege comes from the lived experience of social actors who must navigate the world of their oppressors on a daily basis. Collins theorizes the ability to see both the perspective of the oppressed and that of the dominant group as a form of dual consciousness. Domestic violence advocates practice dual consciousness in their efforts to support South Asian immigrant women in navigating the legal and social services systems in their response to abuse and their journeys to build a life free from violence. Analyzing advocates’ discourse presents an opportunity to identify the counter-hegemonic narratives used by advocates in their activism, in addition to tracing the residue of hegemonic discourse that persists in tension with their social justice intentions.

Discussion

Domestic violence advocates who took part in this study seek to support victims/survivors of abuse through the use of an empowerment framework. These advocates talked about empowerment in terms of supporting a woman’s self-determination by addressing needs identified by a woman, providing information about
legal and social services options related to her stated needs, or just providing a confidential space for a woman to think through what to do next in her situation. These broadly defined empowerment goals are in conflict with the subjectivities produced through neoliberal governmentality and the risks posed by domestic violence.

In the case of advocacy with immigrant women, the range of options available to a woman with which to respond to abuse are constrained by the state’s regulation of immigrants, including the narrow parameters of who can access battered immigrant provisions. Advocates negotiate their part in disciplining subjects through safety-planning around immigration options with counterhegemonic practices guided by principles of feminist empowerment.

Through employing a discourse of feminist empowerment, advocates seek to create a safe space for their clients to consider their lives. Collins refers to safe spaces, as “prime location[s] for resisting objectification as the Other” (1990, p. 95). This concept of safe spaces is instrumental in advocates’ work to support victims/survivors of violence. The safe space of advocacy serves both advocates and the women whom they support. Advocacy from a feminist standpoint requires an active critique of interlocking systems of oppression. Through developing counterhegemonic narratives, advocates mitigate the constraints that immigration policy imposes upon the survivors of domestic violence with whom they work.

In passing provisions for battered immigrants, Congress recognized the potential dangers faced by conditional green card holders. However, the requirements needed to gain successful application for the battered spouse waiver and VAWA relief, although intended to help survivors of domestic violence, perpetuate disciplinary practices of the state towards producing compliant and productive citizen subjects.

Battered immigrants who seek refuge from the state are disciplined with the promise of freedom. The promise of freedom alludes to Power’s (2005), argument that liberal democratic societies have always relied on the “unfreedom” of some, in the form of slavery, indentured servitude, class oppression, etc., to secure the economic and social mobility of those privileged to enjoy the rights protected by the state. Battered immigrants are often trapped by regulatory state policies, as well as by their abusive partners. The search for legal residency as a promise of freedom is thus compelling because it would seemingly offer a space for survivors to address the turmoil in their lives while working towards a life free from the control and reach of a batterer.

This research also calls attention to the problems facing immigrants who are deemed ineligible for public benefits. Many groups of immigrants remain cut off from the panacea of social and health services that are deemed critical for survivors of domestic violence who suffer economic hardship, physical abuse, and psychological abuse associated with domestic violence. Even those who successfully adjust their status to legal permanent resident must endure the five-year bar before being eligible for most federally funded benefits.

The national debate on immigration, especially with regard to undocumented and temporary immigrants, has direct consequences for social workers in many fields. In the context of domestic violence, freedom from the fear of deportation does not free victims from the potential threat of their abuser in determining their well-being as they seek
safety from abuse. Thus, as immigration and domestic violence advocates work for more support for battered immigrants through federal and state legislation, efforts to improve the safety-net for all immigrants would ensure a basic minimum standard of support and human rights.
References


