

2015

Invisible: My Experiences with the Undocumented and Abused

Anna Paden Carson

Washington and Lee University

Follow this and additional works at: <https://commons.lib.jmu.edu/vaej>



Part of the [Human Rights Law Commons](#), [Immigration Law Commons](#), [International Humanitarian Law Commons](#), and the [Law and Gender Commons](#)

Recommended Citation

Carson, Anna Paden (2015) "Invisible: My Experiences with the Undocumented and Abused," *VA Engage Journal*: Vol. 4 , Article 6.
Available at: <https://commons.lib.jmu.edu/vaej/vol4/iss1/6>

This Critical Reflection on Engagement is brought to you for free and open access by JMU Scholarly Commons. It has been accepted for inclusion in VA Engage Journal by an authorized editor of JMU Scholarly Commons. For more information, please contact dc_admin@jmu.edu.

Invisible: My Experiences with the Undocumented and Abused

“Can I trust you?”

These were often the first words I heard from new clients. No introduction was needed or wanted until I uttered the validating word, “Yes,” from across the table. As a legal advocate at Tapestri, Inc. in Atlanta, Georgia last summer, I saw many of my immigrant and refugee clients consumed by fear, desperation, and insecurity, and I quickly realized that many of the women I helped only contacted Tapestri because they truly had nowhere else to turn. They were victims of domestic violence and usually living in America undocumented, making the seriousness of their situations that much more intense and pressing. These women were trapped and alone, and Tapestri’s role was to help them in any possible way. Founded in 1998 as a coalition to address the unmet needs of battered refugee and immigrant women in metro-Atlanta, Tapestri became an independent nonprofit organization in 2002 with a mission to “end violence and oppression in refugee and immigrant communities.” Over the past three years, Tapestri has served more than 300 survivors of domestic violence, conducted 100 trainings on human trafficking issues for 3,700 law enforcement and service providers, and distributed over 12,000 informational materials about domestic violence and human trafficking to the greater Atlanta community (Tapestri). Tapestri undoubtedly meets a large need in metro-Atlanta by both supporting those subject to domestic violence and human trafficking while raising awareness to eventually try to end that oppression.

I spent my eight-week internship doing everything from providing transportation for clients, to helping them write affidavits, to providing legal referrals so clients could start the arduous process of applying for legal permanent residency. At times I grew frustrated by the work, for example, when a client would forget about her appointment or when a woman would

leave out a key detail in the telling of her story, likely because she did not yet fully trust me. Selfishly, I focused on the job itself as having a set start and end period for the client's journey, and I struggled to look at the larger picture of a client's life situation rather than just her domestic violence legal case. It was not until my supervisor told me her own personal immigration story from Latin America that I started to understand how each person serve had his or her own story and hardships that are inseparable from daily life. This was not just a number or a legal matter; this was an individual, and it was imperative to address that person's life as a whole rather than just her domestic violence situation because the two were inherently intertwined. With this revelation, I learned to approach the job holistically by caring just as much about clients' everyday lives and challenges as their pressing domestic violence situations. Every day had a different obstacle, but by the end of the internship I felt that I had made a real difference in the lives of many women. What I did not realize until weeks later, however, was that these women had much more of an impact on my beliefs and my future than I had ever thought possible. This solidified my desire to one day become a human rights attorney to give a voice to those who do not or cannot have one. Helping the clients at Tapestri in turn helped me, and I want to pay it forward for as long as I am able.

Experts estimate that there are currently eleven million undocumented immigrants living in America (Krogstad). Men, women, and children travel from all over the world, sometimes fleeing violence and discrimination in their home countries, to America where hopes of prosperity, safety, and freedom await. More than 60% of the eleven million undocumented immigrants in America have lived here for more than ten years, and as assimilated into American culture as they may seem, undocumented immigrants are oftentimes forced into isolation and in constant fear of deportation (Krogstad). These factors prove to be particularly valuable for

abusers: undocumented women are especially prone to domestic violence because of the many aspects of immigration that make them vulnerable to abuse. Many women who arrive here speak no English, have little education, have no knowledge of their rights, and have no means of transportation. They distrust authorities and continually fear deportation. The abuser may even lie to the victim about her legal rights and use her immigration status as a threat. This is the perfect combination for a woman to be coerced into an abusive relationship, be manipulated, and become trapped.

The women we served often hear about Tapestri through the police or court system after filing a protective order or calling the police for a domestic violence disturbance. Authorities inform the women about Tapestri and our work, but even in cases of extreme violence or abuse, undocumented immigrants do not always feel that they can trust authorities or the police. Many come from countries where the police do not protect their citizens, and even in America, many counties, especially in Southern states, legally permit police to communicate with immigration authorities. If someone calls in a domestic violence disturbance, for example, the police have the right to ask for legal papers before even addressing the disturbance. If the person cannot produce the necessary papers, the police are allowed to contact immigration authorities to start deportation proceedings, even if the mother has American-born children (Wallace). Women oftentimes endure violence because they fear deportation and separation from their families. Tapestri works hard to help women transcend this very real fear of abuse and deportation through direct legal services and legal advocacy.

Domestic violence cases can be complicated, arduous, and long-term. Many people and agencies lack the patience, time, or resources to see the case through. Tapestri pledges to stay with the survivor throughout her journey and maintain contact with her and her family even after

the immediate situation passes. By building trust and friendship, we help to heal a person and a family, and they begin to thrive. Almost every client I worked with yearned to become documented, and based on their claims of domestic violence, we could usually help them apply for one of two paths to legal permanent residency (LPR): the Violence Against Women Act (VAWA) and a U-Visa. VAWA circumnavigates the abuser, who must be an American citizen or permanent resident spouse or parent of the victim, to obtain a green card (“VAWA”). A U-Visa serves a dual purpose: to assist immigrant victims who have suffered serious harm from an abuser (not necessarily a spouse or an American citizen) and to assist law enforcement by providing helpful information to bring the criminal to justice (“U-Visa”). Both application processes are difficult and essentially impossible to complete without a lawyer’s assistance. Tapestri legal advocates act as middlemen between the client and lawyer to help expedite the process, make the lawyer’s job easier, and keep the client as healthy and as safe as possible.

A U-Visa application currently entails a 13-month waiting period, but if approved, a person may be qualified to have a temporary legal status in the United States for up to four years and receive a work permit and thus a driver’s license and social security card. After three years of this status, this person is able to apply for legal permanent residency—that is, receive a green card (“U-Visa”). Similarly, if a self-petition VAWA is approved, the victim becomes eligible for a work permit (including a driver’s license and social security card) as well as some public benefits, depending on the state (“VAWA”). With both the U-Visa and VAWA, the applicant needs to prove that she and her abuser entered into the marriage or relationship in good faith and that she suffered from extreme cruelty. To do this, she must provide detailed evidence of abuse. The complicated VAWA and U-Visa applications must also be concise and organized, as reviewers spend only a short time on each application. Through our continued dedication and

hard work, Tapestri has an outstanding success rate and reputation (Tapestri). Clients continually report that because of Tapestri, they feel safe and have hope again.

The main thing I take away from this internship is that there is no “face” to domestic violence. Just during the time of my internship, Tapestri helped both a homeless woman trying to work her way through GED classes and the wife of an established doctor at an Atlanta hospital. Both faced violent situations with their partners. Domestic violence is not limited to a certain socioeconomic class or ethnic group, and nearly one in four women will experience domestic violence at some point in their lifetime (“Intimate”). Those who are poor or more vulnerable than others, however, such as undocumented immigrant women, have an even greater need for help and advocacy. We need more people and organizations that actively work to turn the abused from victims to survivors, and we must have more resources available for survivors. More funding for organizations like Tapestri should be a priority. Victims, both men and women, need to know that they are not alone and should not be ashamed of their abuse.

Moreover, beyond these temporary solutions, we need to address a larger problem. Undocumented immigrants, particularly those affected by domestic violence, are notoriously mistreated and unprotected by the law and authorities. It continues to be difficult to navigate a clear pathway to citizenship, and while the demand for Visas for undocumented immigrants and their family members has increased over the past few decades, the number of Visas actually issued per year remains unchanged since the 1990s (“Frequently”). To address immigration, government must first seek to understand the reasons it occurs and to understand the many ways that immigrants contribute to our country’s success. Immigration from Guatemala, Honduras, and El Salvador, for example, has increased tenfold since 2011 (Gergen). These individuals are fleeing incredible poverty and violence: civilians in these countries are twice as likely to be

killed as those in Iraq during the height of the war. Through Tapestri, I saw that many immigrants come to America from situations like these in search of safety, prosperity, and opportunity, and they continue to work hard to overcome barriers to achieve true freedom. I observed clients who spent three hours navigating Atlanta public transportation to get to work everyday, moved apartments for the third time after their abuser found their location again, and worked three jobs after courageously fleeing their abusive situation to ensure their children had a pillow to lay their heads on at night. At Tapestri, I witnessed women who were facing the most adverse of situations repeatedly go beyond their supposed “limits,” take advantage of their opportunities, and thrive. They taught me that with determination, courage, and grit, you have the power to make anything possible. Thanks to Tapestri, I now understand that without the eleven million undocumented immigrants in America, I would live in a very different nation. Immigrants and their contributions to America are no longer invisible to me.

References

- Frequently Requested Statistics on Immigrants and Immigration in the United States. (2012, March 21). Retrieved September 27, 2015, from <http://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states-0>
- Gergen, D. (2014, July 15). Use 'Safe Zones' to End Immigrant Crisis. Retrieved September 28, 2015, from <http://www.cnn.com/2014/07/13/opinion/gergen-katz-border-crisis-safe-zones/>
- Intimate Partner Violence: Consequences. (2015, March 3). Retrieved October 30, 2015, from <http://www.cdc.gov/violenceprevention/intimatepartnerviolence/consequences.html>
- Krogstad, J., & Passel, J. (2015, July 24). 5 Facts about Illegal Immigration in the U.S. Retrieved September 27, 2015, from <http://www.pewresearch.org/fact-tank/2015/07/24/5-facts-about-illegal-immigration-in-the-u-s/>
- Tapestri: Diversity, Advocacy, Empowerment. (n.d.). Retrieved September 27, 2015, from <http://www.tapestri.org>
- U Visa: Immigration Relief for Survivors of Domestic Violence and Other Crimes. (n.d.). Retrieved September 27, 2015, from <http://www.ilrc.org/info-on-immigration-law/u-visas>
- VAWA: Immigration Relief for Survivors of Domestic Violence and Other Crimes. (n.d.). Retrieved September 27, 2015, from <http://www.ilrc.org/info-on-immigration-law/vawa>
- Wallace, R. (2014, June 19). Claudia's Story: How a Domestic Violence Victim's Call for Help Resulted in Three Days in Jail and Deportation Proceedings - ACLU - Colorado. Retrieved September 27, 2015, from <http://aclu-co.org/blog/claudias-story-domestic-violence-victims-call-help-resulted-three-days-jail-deportation-proceedings/>