

**Barriers of Being Undocumented: Mexican Women, U.S. Immigration Law, and the
Reporting of Sexual Assault and Abuse**

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Abstract

This thesis explores the difficulties undocumented Mexican women face when reporting sexual assault and domestic abuse. I examine the history of immigration law starting from the enactment of the Immigration Reform and Control Act (IRCA) of 1986 until the beginning of the Trump Administration in 2016. I explore how discourse and rhetoric enforces the criminalization of immigrant groups while also “othering” them from society. I use various court cases to examine the violence immigrant women face and how their vulnerabilities as undocumented immigrants make it even more difficult to report a crime. I also analyze the simultaneous policies that were put in place during this thirty-year time span that were meant to defend immigrant women’s rights. By utilizing interviews with leaders and advocates of different organizations, I am able to fully grasp how even the resources available to immigrant women are limited by barriers of the legal system.

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This thesis is for all the immigrants and refugees who deserve every right, respect, and dignity regardless of where they are from. Specifically, this is for women who have seen and experienced the hardest circumstances and who continue to stand up to protect themselves and their families. My support is with you always. *Fuerza a la mujer que migra.*

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Introduction

I endured it all without knowing that I could ask for help...I didn't even know there were laws or anything that would protect me. He took advantage because he knew I wasn't going to say anything. It was a trauma that followed me everywhere.¹

This observation made by Olivia Tamayo, an immigrant from Mexico, explains the difficulties that immigrant women face while in the United States. In the *EEOC v. Harris Farms* lawsuit, she claimed that her supervisor forcibly raped, sexually harassed and intimidated her at her workplace. She originally kept silent but even after reporting the abuse to the company, she was suspended without pay. She eventually won her case and Harris Farms was forced to pay \$994,000 as part of the sexual harassment suit.² While a legal win, to be singled out and threatened physically and emotionally at her job was part of a larger problem. Her case provides an excellent example of the particular vulnerabilities experienced by immigrant women. These vulnerabilities can be better understood through a comprehensive analysis that examines documented and undocumented immigrants together. This is because, in the current environment, even those Mexican immigrants who are legal, are nonetheless afraid to come forward because of the culture of negativity that surrounds **all** Mexican immigrant bodies, regardless of their status.³ The situation becomes exponentially more complicated when an undocumented woman faces abuse and needs to come forward to report it.

¹ David Kern, "United We Stand: Effectively Representing Immigrants in Employment Cases," in *Representing Immigrant Workers in Sexual Harassment Cases* (2013).

http://employeerightsadvocacy.org/wp-content/uploads/2017/02/S0301_DevelopmentsChallengesFemaleFarmworkers_KernD.pdf.

² *EEOC v. Harris Farms, Inc.* F-02-6199-AWI LJO (2002).

³ While Ms. Tamayo was a documented immigrant, my thesis will focus on the difficulties and limitations that occur when an immigrant woman does not have documentation to be in the United States.

The central question animating this study is the following: what happens when undocumented immigrant women report sexual assault and domestic abuse when this runs the risk of leading to deportation? Tamayo's story is not an isolated one. Thousands of women have had similar experiences, which renders this topic worthy of re-examination. In this thesis, I examine the evolution of immigration policies over time, the productive aspects of Mexican immigrant settlement, alongside the consequences of discrimination and exploitation that confronted both new and old Mexican immigrants.⁴ By focusing on Mexican immigrant women's situations in the U.S., I can better detail their experiences of/with violence in a complex way. I do this by focusing on immigration law, political speech and discourses on immigration, the impact of the above on all Mexican immigrants but especially on women immigrants, and what immigrant and immigrant rights activists do to support this community. An examination of immigration law, starting with the Immigration Reform and Control Act of 1986 through the beginning of the Trump Administration in 2016, allows for a deeper understanding of my central question i.e. the effect of legal and policy changes in the law on all immigrants but especially the lives of immigrant women. This thirty-year period includes the passage of the Immigration Act (1990), the Illegal Immigrant Reform and Immigrant Responsibility Act (1996), the creation of Homeland Security (2002), the creation of Immigration and Customs Enforcement (ICE) (2003), and the inauguration of the Trump Administration in 2016. These policies transformed immigration law in contradictory ways: despite some positive changes, the twin goals were to diminish incoming immigration as well as to manage both immigration and immigrant bodies already in the U.S. Through this longitudinal analysis, I hope to demonstrate that criminalization

⁴ Mexico has the largest number of immigrants that come to the United States. Marta Tienda and Susana Sanchez, "Latin American Immigration to the United States," *Department of Health and Human Services*, 3.

of Mexican immigrants (alongside others not studied here) exceeded the law and was buttressed by a nationalist rhetoric that made many U.S. citizens fearful of an “invasion of outsiders.”

While the production of fear and demonization of Mexican immigrants (among others) is one key part of my analysis, I also look into activist endeavors to challenge the shortcomings of both immigrant policy and perceptions of immigrants, especially with regard to protecting and deepening the rights of Mexican immigrant women. In this regard, I examine Title VII of the Civil Rights Act (1991), the Violence Against Women Act (1994), and the creation of the U-nonimmigrant Visa (U visa) which occurred in conjunction with the passage of the Victims of Trafficking and Violence Protection Act (2000).⁵

Although these laws have been designed ostensibly to extend the legal rights of groups previously excluded from protection by the law, citizens were their prime beneficiaries. This was especially applicable to instances of sexual assault and domestic abuse. In the case of immigrants who are vilified and discriminated against as a group, the most vulnerable women are not at the forefront of these legal practices.⁶ This reality, I argue and hope to demonstrate in this thesis, makes the ability to have recourse to the law especially fraught for Mexican immigrant women, especially those who are undocumented but also for those who have papers, and even citizenship. The paradox is that while the law has been used to fight discrimination, it has also been used to perpetuate it.

By detailing changes over the last thirty years, attentiveness to lawsuits helps illuminate the stories of the women that otherwise remain hidden from view. While creating an awareness

⁵ T visas, used to benefit victims of human trafficking, were also included under the Victims of Trafficking and Violence Protection Act. However, this thesis will focus primarily on U visas since the discussion analyzes situations of domestic abuse and sexual assault.

⁶ As recently as 2013 did the Violence Against Women Act get amended to include “Title IX: Safety for Indian Women,” to protect Native American women.

of ongoing instances of sexual abuse and violence at work and in the home -- women who take their abusers to court are threatened because of different and contradictory impulses in the law and its implementation. For example, in 2017 Immigration and Customs Enforcement (ICE) agents arrived at the El Paso County Courthouse to arrest an undocumented, transgendered woman named Irvin González, who was getting a restraining order against her abuser. At the time, González assumed she was “safe and protected in the court.” ICE received a tip off, presumably from her ex-boyfriend, and González was arrested.⁷ Needless to say, awareness of such cases diminishes the likelihood of others coming forward to press for their rights in the law, and inhibits victims of violence and abuse from coming forward to report experiences of violence and assault.⁸

This case exemplifies not only that women who face abuse are reluctant to come forward because of the contradictory impulses animating different factions within the legal system, but they are also fearful that their actions might have negative consequences for the community as a whole and come back to negatively impact them as well. When then presidential candidate Donald Trump claimed that Mexico is “not sending their best” by stating that “drugs...crime...rapists” are being brought to the United States,⁹ in filing cases against their abusers, especially if they happen to be men from their own community, women run the risk of

⁷ Jonathan Blitzer, “The Woman Arrested by ICE in a Courthouse Speaks Out,” *The New Yorker*, February 23, 2017. <https://www.newyorker.com/news/news-desk/the-woman-arrested-by-ice-in-a-courthouse-speaks-out>.

⁸ Marty Schaladen, “ICE Detains Alleged Domestic Violence Victim,” *El Paso Times*, February 15, 2017. <https://www.elpasotimes.com/story/news/2017/02/15/ice-detains-domestic-violence-victim-court/97965624/>.

⁹ Ian Schwartz, “Trump: Mexico Not Sending Us Their Best; Criminals, Drug Dealers and Rapists Are Crossing Border,” *Real Clear Politics*, June 16, 2015. https://www.realclearpolitics.com/video/2015/06/16/trump_mexico_not_sending_us_their_best_criminals_drug_dealers_and_rapists_are_crossing_border.html.

contributing to, and validating such rhetoric that frames immigrants as ‘criminals’ prone to violence. In short, such incendiary rhetoric by politicians and anti-immigrant activist makes it even less likely that Mexican immigrant women will come forward to file public charges, especially of domestic violence cases. I elaborate on this further in my thesis. Rhetoric that is homogenizing, reductive, and negative castigates immigrants for ongoing social problems, problems not of their own making. Not only do dominant discourses that portray immigrants as “invaders,” “criminals,” and “chiselers” make it more difficult for immigrants to get a fair hearing when making their cases public, but they also run the risk of facing scrutiny not only by those in power but also from within Mexican immigrant communities as well. Gregory

Rodriguez states:

the attitudes of Mexican Americans toward Mexicans varied widely, according to class background and the extent of their interaction. Perhaps not surprisingly, lower working-class Mexican Americans, those most likely to live near-and compete with-immigrants, tended to view the newcomers most negatively. For instance, it was not uncommon to hear lower-class Mexican Americans refer condescendingly to undocumented Mexicans as *pobrecitos* (poor little ones) or *mojados* (wetbacks).¹⁰

Negative reactions by members of one’s own community along with the rhetoric emanating from those in power, increases the difficulty of defending oneself against a crime.

The different terms used to label immigrants are part of and central to the argument of the difficulties they encounter. “Illegal,” “Undocumented,” and “Alien” have all been used interchangeably in discourses on immigration. Mae N. Ngai explains “[i]mmigration restriction produced the illegal alien as a *new legal and political subject*, whose inclusion within the nation was simultaneously a social reality and a legal impossibility—a subject barred from citizenship

¹⁰ Gregory Rodriguez, *Mongrels, Bastards, Orphans and Vagabonds: Mexican Immigration and the Future of Race in America* (New York: Random House, 2007), 234-235.

and without rights.”¹¹ Labeling a person in negative terms that “otherizes” them creates a sharper separation between immigrants and citizens.

Discourse and language are important to keep in mind when studying immigration and the labeling of people that are not United States citizens. In order to discuss immigrant women as worthy recipients of their rights, I will use the phrase ‘undocumented’ to encompass the vulnerabilities immigrant women specifically have to not be able to protect themselves due to a lack of documentation, not because of their identity. It becomes imperative that we examine the law and discourse separately. The discourse creates repercussions based on the language of the law. As Ngai explains, the change in conversation around immigration evolves with the meaning of immigrant status of an unknown demographic whose very presence is constituted as outsider. Ngai argues that “the problem of differentiation revealed a discontinuity between illegal immigration as an abstract general problem, a ‘scare’ discourse used at times to great political effect, and illegal immigrants who were real people known in the community, people who committed no substantive wrong.”¹² By describing immigrants as outsiders and as criminal beings, Ngai provides insight into the difficulty of finding empathy among some of the larger populations in the U.S. Ngai’s acknowledgement of the continuous ways immigrants reach outsider status is elucidated by the way she examines immigration reform and restrictionist politics. These discussions provide the backdrop for understanding the changes in law based on the way people have migrated and how the outcomes of migration have resulted in complicated uses of laws meant to protect those most in need of it.

¹¹ Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*. (Princeton, New Jersey: Princeton University Press, 2004), 4.

¹² *Ibid.*, 63.

When someone requires those protections, the reaction is often one of blame. Blaming victims of violence who come forward averts attention from the impact of policy, to those who have been abused. Barbie H., a San Antonio activist I interviewed who has worked with undocumented immigrant youth and the LGBTQ community, stated that “victim blaming is a large reason for women to continuously stay silent of their abuse, it is very traumatic for them.”¹³ Observing the reaction women who report abuse confront, provides a more complex understanding of the reason some women may not want to come forward. Understanding this difficulty, should provide a deeper admiration and support for the women that do. My thesis focuses on immigrant women specifically for the reasons listed above. I argue that attentiveness of these women’s vulnerability will help generate a greater awareness of the women who need the most resources.

My research centers on the state of Texas, a choice based on geographical and political grounds. The U.S./Mexico border encompasses the area between Mexico and California, New Mexico, Arizona, and Texas. David Spencer argues that looking at Texas is crucial because “South TX is geographically closer to the major population centers of Mexico as well as traditional migrant-sending regions”¹⁴ He further emphasizes the importance of Texas pointing out “[t]hese Texas cities and towns were home to a large population of internal migrants to the United States which constitutes an important element in the social infrastructure of clandestine migration.”¹⁵ The relationship between Texas and Mexico, specifically immigration from Mexico, has a familiar lexicon that is part of the everyday life within both communities.

¹³ Barbie H., interview by author, San Antonio, December 27, 2018.

¹⁴ David Spencer, *Clandestine Crossings: Migrants and Coyotes on the Texas-Mexico Border* (New York: Cornell University Press, 2009), 29.

¹⁵ *Ibid.*, 29.

The most vulnerable immigrants are more likely to be considered outsiders and more susceptible to violence. William R. Tamayo writes that “[w]hat is clear is that as the disparity in power increases, the conditions for egregious, violent sexual harassment to occur also increase. Frightened and confused teenagers, workers with shaky immigration status, and the single mother desperate to feed her children are the easy prey for a harasser.”¹⁶ The more a particular group is homogenized and othered, the more difficult it is to find compassion or demand justice for them. Martin G. Urbina and Leslie Smith reiterate this problem, emphasizing that discrimination is a reason for the difficulties immigrants face. Undocumented immigrant women in particular have the most difficult time defending themselves in society. Urbina and Smith, like Ngai, insist that “discrimination against Mexicans (and Latinos(as) in general) persists. Anglos often cite concerns about Mexicans ‘taking away’ jobs. Latinos(as) are stopped on the street or in their cars because they look like ‘illegal aliens’ or are suspected of being delinquents and criminals.”¹⁷ The strategic act of punishing bodies that relies on the fears, uncertainties, and ignorance of the public can be easily provoked whenever pro-immigrant groups and organizations try to advocate to keep immigrants in the United States. Reducing immigrants to criminals, Urbina and Smith argue, is a device that allows for control over them. This control is further exacerbated when immigrant bodies are differentiated by gender.

A historical analysis of immigration, until recently, has generally focused on policy and there has been a dearth of analysis regarding gender. It is because of this scarcity, which is the

¹⁶ William Tamayo, “Rape, Other Egregious Harassment, Threats of Physical Harm to Deter Reporting, and Retaliation,” *American Bar Association 5th Annual Labor and Employment Conference* (2011), 3.

¹⁷ Martin G. Urbina and Leslie Smith, “Colonialism and Its Impact on Mexicans’ Experiences” in *Race, Gender, & Punishment: From Colonialism to the War on Terror*, eds., Mary Bosworth and Jeanne Flavin (New Jersey: Rutgers University Press, 2007), 57.

focus on my work, that I had to take an interdisciplinary approach to acknowledge and thoroughly study gender and immigration. The absence of gender in immigration studies is a detriment because it disregards the experiences of women, which limits a full comprehension of the subject. Pierrette Hondagneu-Sotelo acknowledges this lack in her groundbreaking book *Gendered Transitions: Mexican Experiences of Immigration*, which argues that immigration histories have invariably overlooked gender dynamics, and its effects, on the immigrant experience. Her emphasis on gender, as a crucial aspect of immigration policy and practice is pivotal to my study. Hondagneu-Sotelo traces the shifts in gender relations that occur subsequently to immigration and details these changes for both men and women. She argues that these changes in perceived gender roles happen as a result of migration, and are based on different modalities of immigration which include family stage migration, family unit migration, and independent migration.¹⁸ Explaining the different modes of migration, she is better able to demonstrate how women's divergent practices of mobility and border crossing impact both their lives in Mexico as well as their lives after they arrive in the U.S. This is important for providing a more accurate depiction of women's experiences and its particularities. Her attentiveness to different modalities of migration do not generalize, but rather, demonstrates the impact of these differences on their respective post migration experiences. This suggests that depending on the modality of migration, it is impossible to generalize about the experiences of both men and women.

¹⁸ Family stage migration is where family migration occurs in stages, with husbands preceding the migration of their wives and children. Family unit migration is when spouses and children migrate together. Independent migration occurs when single men and women migrate independently, without family members. Hondagneu-Sotelo, Pierrette. *Gendered Transitions: Mexican Experiences of Immigration* (Berkeley and Los Angeles, California: University of California Press, 1994), 39.

Immigrant women have the added vulnerabilities of being forced to accept jobs that place them at greater risk. Hondagneu-Sotelo's *Doméstica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence* explores this problematic matter in the context of domestic workers and in-house care. She explains that "[a] deep sense of isolation draws the women together, and their common experiences with the daily indignities of paid domestic work provide a basis for solidarity."¹⁹ Working in private homes, these women's isolation and dependency on their employers, can create a relationship that turns exploitative. The exploitation of immigrant women and their bodies is enhanced by immigration policies, which will be discussed in the following chapter. Simplifying women's experiences effects an erasure of sorts, by silencing immigrant women who have taken jobs that put them at greater risk by making them fearful of pursuing their cases.

Eithne Luibhéid's *Entry Denied* also emphasizes gender as a significant aspect of history, focusing on the nuances of culture, law, and discrimination. She argues that gender and sexuality are a critical part of immigration law and policy. She explains that "[w]hen immigration is treated strictly as an individual matter, without regard to these larger structures,²⁰ undocumented women become constructed as the ones who originally broke the law and, therefore, as people who live outside the law."²¹ The mere presence of undocumented immigrant women in society is reduced to an act of criminality. She explains, "scapegoating was also driven by changes in the economy, decreases in real wages, a diminishing social safety net, and new strategies for

¹⁹ Pierrette Hondagneu-Sotelo, *Doméstica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence* (Berkeley and Los Angeles, CA: University of California Press, 2001), 227.

²⁰ Globalization processes and neocolonial relations.

²¹ Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis, MN: University of Minnesota Press, 2002), 128.

disciplining labor.”²² In this telling, immigrants are perceived as the root causes of these socioeconomic problems, therefore at the receiving end of an unwelcoming environment.

Luibhéid acknowledges Hondagneu-Sotelo’s work, stating that the latter “suggests that U.S. citizens were particularly concerned about the impact of undocumented immigrant settlement and family formation.”²³ Connecting this observation to gender, women are thought of as being automatically connected to children, and thus held responsible for family formation. The settlement of entire immigrant families is particularly worrisome to U.S. citizens as whole families are likely to have greater influence on altering cultural norms. The very possibility of changes in the status quo provokes anxiety, and applies both to the presence of single men and women, and extends to immigrant families as a whole. Attentiveness to gender helps create a more nuanced understanding of discourses on immigration and immigrants’ lived experience(s).

The four chapters of this study will examine different situations Mexican immigrant women face. Chapter 1 focuses on immigration law and policies that are significant in explaining the circumstances that effect women. I argue that immigration law shapes the way immigrant women are viewed and addressed in national rhetoric. I also discuss the acts that immigrant activists fought for to support the lives of immigrant women. By looking at these crucial policies, I argue that, alongside changes in immigration law, the pro-immigrant grassroots movement advocates to effect positive changes precisely in order to alleviate the problems that immigrant women specifically experienced because of various laws. Chapter 2 examines the relationship of immigrant women and how they work, utilize resources available to them, and live with the

²² Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis, MN: University of Minnesota Press, 2002), 27.

²³ *Ibid.*, 24.

realities of being an outsider. Exploring this aspect of immigrant life, I argue reveals both the realities and the difficulties that are involved in having to build a life in the United States while being viewed as outsiders. Chapter 3 explores the complexities of sexual assault and domestic abuse that occur against immigrant women, with specific attention to the vulnerabilities that are specific to those who are undocumented. I argue that sexual abuse and domestic assault crimes can sometimes have nuanced meanings which are not always able to be described or be reported by the victims. This reinforces the difficulty in coming forward to report the crime. Finally, Chapter 4 examines the ways in which advocates have tried to support immigrant women through the resources they provide within different organizations, from a national to a local level. I argue that while immigrant women lack access to various resources, organizations provide assistance to them depending on their needs. However, I also argue that because of legal restrictions and an inability to help those without the necessary documentation, organizations can not fully assist all the needs of the immigrant community. By utilizing primary sources such as interviews, court cases, and statistics from different organizations, I am able to illuminate what the specific instances of the arguments I make that the immigrant women face even more difficulties specifically because of their status. As this thesis discusses, the ways that immigrants are perceived both by the legal system and the general public has an effect on how comfortable immigrant women feel about reporting abuse. My hope is that this thesis will bring to light these difficulties and create a dialogue that changes perceptions of immigrant women so that they are able to defend themselves against crimes and receive human rights that should be guaranteed to all, whether citizen or non-citizen.

Chapter 1: The Evolution of Immigration Law and Subsequent Policies to Protect Women: 1986-2016

This chapter argues that while immigration law is an important mechanism by which those in power define who is eligible to stay in the United States with protection under the law and who is not, a discussion of the simultaneous protections afforded immigrants is pivotal in seeing how policy affects their lives. A breakdown of the way immigration law has changed points out how and why immigrant women arrived in the United States. It also shows what the results of changes in immigration law have been from the implementation of immigration policy beginning with the Reagan Administration and ending with the Trump Administration. By examining policy from Reagan to Trump, my analysis hopes to reveal how immigration law has occasionally expanded immigrant rights but how it has often been a double-edged sword.

Immigration policy intersects with the ways the public views immigrants, specifically immigrant women, and details how law will be revised and implemented. Discourse is important to keep in mind as stated in the Introduction. It is an effect of immigration policy while also continuously feeding into the minds of the public and what they believe. Nicholas De Genova examines the procedure by which we construct immigrants as both opportunists and simultaneously as excluded members of society. He makes a strong case for why one needs to understand discourse especially in the language of immigration law, and argues that “discursive formations must be understood to be complexes of both language and image, of rhetoric, text and subtext, accusation and insinuation, as well as the visual grammar that upholds and enhances the iconicity of particular fetishized figures of ‘illegal immigration.’”²⁴ The creation and

²⁴ Nicholas De Genova, “Spectacles of Migrant ‘Illegality: The Scene of Exclusion, the Obscene of Inclusion. *Ethnic and Racial Studies* (2013): 2.

implementation of laws that pertain to immigrants accentuates their status as those who arrived to the U.S. while simultaneously othering them. While the argument has been made that immigrants are criminals (most recently by presidential candidate and later President Donald Trump) and therefore undeserving of protections, Aviva Chomsky declares “U.S. immigration law is based on a system of quotas and preferences. If you don’t happen to be one of the lucky few who falls into a quota or preference category, there is basically no way to obtain legal permission to immigrate.”²⁵ This has tremendous implications for undocumented women, especially those who are fleeing violence and poverty. It is even more precarious due to the fact that immigrant women must also maneuver the rules enacted by the laws and policies in the United States.

The enactment of the Immigration Reform and Control Act (IRCA) under President Ronald Reagan in 1986 began with the ostensible need to enforce stricter measures on illegal immigration. IRCA “increased border enforcement, offered amnesty to migrants already resident in the United States, and established employer sanctions against those who knowingly hired [undocumented migrants] for work.”²⁶ These practices were enforced with a far stricter focus on the border where IRCA “augmented the adoption of certain military tactics, rationales, equipment and strategy for the Border Patrol and licensed the occasional use of military troops, as well as the National Guard in the border region.”²⁷ IRCA’s militarization of the U.S./Mexico border made illegality a central concern of immigration policy and at the same time, making

²⁵ Aviva Chomsky, *Undocumented: How Immigration Became Illegal*. (Boston, Massachusetts: Beacon Press, 2014), x.

²⁶ Katharine M. Donato, “U.S. Policy and Mexican Migration to the United States, 1942-92,” *Social Science Quarterly* 75, no. 4 (1994): 709.

²⁷ Gilberto Rosas, “The Border Thickens: In-Securing Communities After IRCA.” *International Migration* 54, no. 2 (2015): 121.

(some) U.S. citizens even more suspicious of those who were undocumented and therefore did not belong.

Katharine Donato emphasizes how U.S. policy affected Mexican immigration to the United States explaining that “the consequences of immigration policy also entails study of the causes of policy formation. Prior experience has documented how the growing number of illegal migrants and the controversy that enveloped them led in part to the passage of IRCA.”²⁸ IRCA not only created stricter measures designed to control immigrants, specifically illegal immigrants, but it made it more difficult for immigrants to enter the United States.

Gilberto Rosas examines this altered version of the border and those who cross it following the enactment of IRCA. He argues that IRCA initiated deeper concerns about the potential of crimes that might be committed by people crossing the border. This was not the intention of the law originally, but language that was picked up through debates and public responses and ensured demonization of undocumented people. While this criminalization did not end with increased arrests, immigrants that did come to work, ensured their security through accessing documentation. Undocumented people were discussed in political debates as “a threat to public safety” and politicians reported that the border was “saturated by criminals.”²⁹ This impacted women because it meant that when they sought amnesty through IRCA’s guidelines when they arrived in the United States, they “were at a disadvantage in applying for immigration benefits in IRCA because their husbands’ names and not theirs’ were in documents necessary to

²⁸ Katharine M. Donato, “U.S. Policy and Mexican Migration to the United States, 1942-92.” *Social Science Quarterly* 75, no. 4 (1994): 725-726.

²⁹ Gilberto Rosas, “The Border Thickens: In-Securing Communities After IRCA.” *International Migration* 54, no. 2 (2015): 122.

attest residence and because of their high concentration in the informal sector as maids.”³⁰ This put immigrant women at a greater disadvantage under the law which made proving their ability to work in the United States a difficult one.

IRCA required immigrant workers to present documentation as proof of being able to work in the United States. The documents that were provided to ensure the ability to work, regardless of validity, were less strictly enforced by employers.³¹ Kitty Calavita argues that the documentation presentation was “an ‘affirmative defense’ clause that protects employers from prosecution as long as they request documentation from workers, regardless of the validity of the documents presented.”³² Through such identification requirements, immigrant workers are distinguished from the community at large and made more susceptible to the effects of deportation that were a crucial part of IRCA’s crackdown on illegals.

The passage of IRCA was, from the stand point of anti-immigration supporters, viewed positively because of its emphasis on blocking illegal immigration. However, in practice IRCA not only increased the number of illegal immigrants in the United States, but also provided legalization of those already in the United States. This occurred as a consequence of Congress

³⁰ María E. Enchautegui, “A Comparison of Today’s Unauthorized Immigrants and the IRCA Legalized: Implications for Immigration Reform,” Policy Brief. The Urban Institute (2013), 2. <https://www.urban.org/sites/default/files/publication/24311/412980-A-Comparison-of-Today-s-Unauthorized-Immigrants-and-the-IRCA-Legalized-Implications-for-Immigration-Reform.PDF>.

³¹ Documentation could also be unofficial, but the employers did not question accuracy due to the need of laborers. “The demands on employers had been scaled back so they would not be faced with a heavy administrative load, and huge loopholes were created for employers who complained that they had made an honest mistake in hiring an illegal alien.” Robert Suto, *Watching America’s Door: The Immigration Backlash and the New Policy Debate* (New York City, NY: The Twentieth Century Fund Press, 1996), 39.

³² Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the I.N.S.* (New York: Routledge, 1992), 169.

offering amnesty to immigrants living in the United States since 1982.³³ Through the amnesty program, IRCA's implementation contributed to the numbers of immigrant women who would come into the United States as dependents of their spouse. After IRCA, women composed a large proportion of the Mexican undocumented population qualified for legalization as spouses of documented, immigrant men. Women were also able to find domestic work which lessened the chance of detection and enabled those with such work to stay in the United States longer than those without any resources or work.³⁴ While men were able to provide documentation that they worked in the United States, women "tended to work in private homes as housekeepers and nannies - where their employers did not want to confirm their employment — and did not have bills or accounts in their names — because this was their husband's responsibility."³⁵ The opportunity that IRCA provided was advantageous to women if they had spouses as support, however it also led to immigrant women being susceptible to becoming the faces of the illegal immigrant. While gender is not discussed by all immigration scholars, immigration policy does not fully analyze the inclusion of gender to understand how women became the faces of the illegal immigrant. Joan Fitzpatrick explains:

Enhancing the visibility of female migration to the United States promotes but does not ensure that women migrants' particular needs and risks are addressed in immigration policy. Even after rectification, policy neglect persists. Gender-specific constraints on women's social and spatial mobility continue to be overlooked or discounted by policy-

³³ Robert Suto, *Watching America's Door: The Immigration Backlash and the New Policy Debate* (New York City, NY: The Twentieth Century Fund Press, 1996), 37.

³⁴ Pierrette Hondagneu-Sotelo, *Gendered Transitions: Mexican Experiences of Migration*. (Los Angeles, California: University of California Press, 1994), 26-27.

³⁵ Laura E. Enriquez, "Gendered Laws: VAWA, IRCA, and the Future of Immigration Reform," *The Huffington Post*. May 7, 2013. https://www.huffpost.com/entry/domestic-violence-immigration_b_2793828.

makers, except when their attention is seized by carefully organized, sustained pressure by advocates for women migrants.³⁶

The ways that policy such as IRCA limited the ways in which gender immigration could be explored was pernicious and did not ensure the protection of immigrant women.

IRCA's mission was to deter the number of illegal immigrants entering the country but also criminalizing them through sanctions that were instilled. Aviva Chomsky argues "[t]he employer sanctions provisions of the law, however, created a new system for marginalizing and discriminating against the undocumented. By offering legal status to some, but not all of the undocumented, IRCA invited even more pernicious racism against those it left out."³⁷ Mae N. Ngai succinctly explains this dynamic:

Undocumented immigrants are at once welcome and unwelcome: they are woven into the economic fabric of the nation, but as labor that is cheap and disposable...[m]arginalized by their position in the lower strata of the workforce and even more so by their exclusion from the polity, illegal aliens might be understood as a caste, unambiguously situated outside the boundaries of formal membership and social legitimacy.³⁸

Simultaneously, IRCA was the way of distinguishing immigrants as *both* outsiders *and* builders of the U.S. economy. In regard to legal status, Roger Daniels argues that "IRCA was, essentially, a schizoid measure reflecting the deep divisions in Congress over immigration policy. Despite the anti-immigration rhetoric in Congress and the media, the law, on balance, actually expanded

³⁶ Joan Fitzpatrick, "The Gender Dimension of U.S. Immigration Policy," *Yale Journal of Law & Feminism* 9, no. 5 (1997): 26.

³⁷ Aviva Chomsky, *Undocumented: How Immigration Became Illegal*. (Boston, Massachusetts: Beacon Press, 2014), 190.

³⁸ Mae N. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*. (New Jersey: Princeton University Press, 2004), 2.

immigration rather than restricting it.”³⁹ IRCA provided the opportunity, through the provision that allowed for amnesty, for immigrants to try and stay in the United States.

As a result of the unintentional influx of immigrants, control needed to be executed. David Spencer states that “illegalization of Mexican labor owing to the imposition of employer sanctions by the 1986 Immigration Reform Act (IRCA) reduced the wages earned by undocumented Mexican immigrants relevant to their documented counterparts.”⁴⁰ The previously mentioned divide between documented and undocumented immigrants is important to keep in mind when understanding how certain immigrants came to be considered aliens. Once immigrants were considered outsiders, it ensured their vulnerability as both unwelcome and unable to defend their status in the United States. Returning to the story from the Introduction, it is important to note that Olivia Tamayo was a documented immigrant and yet she still suffered assault and harassment. These dilemmas confronted by all Mexican immigrant women linger into the present.

With President George H.W. Bush a new policy change occurred with the Immigration Act of 1990 as a result of a realization that the United States now had more immigrants in its midst, and some measures needed to be taken to address this. “The 1990 Immigration Act embraced dramatic increases in legal immigration numbers on the assumption that illegal immigration was under control. These increases in legal immigration, conjoined with evidence that illegal immigration has not been controlled, have together produced a rise in public worries

³⁹ Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882*. (New York: Hill and Wang, 2004), 224.

⁴⁰ David Spencer, *Clandestine Crossings: Migrants and Coyotes on the Texas-Mexico Border*. (Ithaca, New York: Cornell University Press, 2009), 18.

about immigration writ large.”⁴¹ In other words, policy and popular perception diverged to some extent. As a result, immigrants who cohabitate with U.S. born citizens came to represent a “broken” system. Specifically, immigrant women became even more vulnerable in light of public perception of immigrants threatening the “American” way of life. These considerations continue to influence immigration policy today.

This understanding of immigrants as a “threat” is connected to concerns over a lack of security, and emphasis on the border. Between the 1980’s and 1990’s, the “War on Drugs,” a term initially coined by President Richard Nixon, suggested to Americans that they were susceptible to the dangers of an enemy from across the U.S./Mexico border.⁴² This all but ensured that protection was needed against anyone that was not a natural born American and that a person who crossed the border needed to be removed. Mary Bosworth emphasizes:

connections can be made between the treatment of noncitizens and the broader war on drugs that is usually singled out to comment on the practices of mass imprisonment...drug offenses constitute the major criminal offense for which noncitizens are imprisoned, despite the relatively minor role that many play.⁴³

It was an even more substantial way of getting the public to approve of immigrants being stopped at the U.S. border because it was assumed to be a protection against deep fears regarding immigrants as ‘invaders.’ Having the public agree to stricter enforcement at the border could not happen without legal direction to fix what was being perpetuated as a broken immigration system. Roberto Suro states that “[t]he best argument for a new look at the laws governing legal

⁴¹ Michael Teitelbaum and Myron Weiner, eds. *Threatened Peoples and Threatened Borders: World Migration and U.S. Policy*. (New York: W.W. Norton & Company, 1995), 29.

⁴² M. Eddy, *War on Drugs: Legislation in the 108th Congress and Related Developments*, 3.

⁴³ Mary Bosworth, “Identity, Citizenship, and Punishment,” in *Race, Gender, & Punishment: From Colonialism to the War on Terror*, eds. Mary Bosworth and Jeanne Flavin (New Brunswick: Rutgers University Press, 2007), 139.

immigration is not that the flows are too large or that immigrants are harming the nation, but that the system has lost its credibility and much of its effectiveness.”⁴⁴ This made it difficult for immigration law to pass. The public supporting policy changes in combatting a considered immigration problem, implies that to get approval for immigration reform, fear must be stoked to get support to combat against immigrants. Suro explains how, in these adverse circumstances, the administration handled the immigrant “problem” by claiming that “reviewing the mechanics of legal immigration periodically, policymakers could deal with emerging issues before they become the kind of large-scale problems that promote a backlash and result in drastic solutions.”⁴⁵ The Immigration Act of 1990 attempted to answer this dilemma by providing citizenship but only to select individuals. “The law attempted to create a selection system that would meet the future needs of the economy by moving away from a near-total focus on family-based immigration and toward admission of more immigrants based on their skills and education.”⁴⁶ Enforcing preferential treatment for immigrants with particular skill sets meant that those who did not have the education or labor skills, were denied entry. This took into consideration public discourse regarding ‘good’ versus ‘bad’ immigrants. It enforced the idea that those without a particular set of skills, were unworthy of being allowed into, or of staying in the U.S.

Unlike IRCA’s formula which focused on the removal of immigrants, the Immigration Act of 1990 categorized those that did not have marketable skills as unwanted and unwelcomed. It placed caps on “family-sponsored,” “spouses” and “children” of those who were previously

⁴⁴ Roberto Suro, *Watching America’s Door: The Immigration Backlash and the New Policy Debate*. (New York: Twentieth Century Fox, 1996), 57.

⁴⁵ *Ibid.*, 58.

⁴⁶ Muzaffar Chishti and Stephen Yale-Loehr, “The Immigration Act of 1990: Unfinished Business a Quarter-Century Later” *Migration Policy Institute Issue Brief* (2016): 1.

considered worthy of legalization by IRCA.⁴⁷ In doing so, women were relegated once again to the margins of legality. The language of the act supports the view that women are not needed or valuable to the U.S. economy. Women who wanted to come to the U.S. now had to have higher level skills to be considered worthy to stay in the United States.⁴⁸

President Clinton implemented the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996 to physically remove immigrants labeled as criminals from the U.S. “IIRIRA eliminated the distinction between exclusion and deportation...[i]t greatly expanded the grounds for ‘criminal’ removal by expanding the category of aggravated felony to include petty theft, DUI’s, and minor drug offenses.”⁴⁹ This criminalization of immigrants made it appear as though not just any immigrant was being targeted, but specifically criminals, no matter their crime.⁵⁰ This made it seem as though politicians were enforcing stricter policies to protect U.S. born citizens from criminals.

Criminalizing immigrants in this period became the measure politicians used to control populations, and separate families, while appeasing public fears. Those women connected to men who were deported suffered as a result of these measures. According to Mary Bosworth:

IIRIRA, it seems, has been particularly disastrous for women. The summarily expedited removal process, established by Section 302 of this act, gives immigration officials at the borders, rather than trained immigration judges, the power to remove persons in as little as twenty-four hours and no later than seven days...[c]rimes endured by women seeking

⁴⁷ Muzaffar Chishti and Stephen Yale-Loehr, “The Immigration Act of 1990: Unfinished Business a Quarter-Century Later” *Migration Policy Institute Issue Brief* (2016): 3.

⁴⁸ It is important to reference the North American Free Trade Agreement (NAFTA). President Bill Clinton signed the agreement with Canada and Mexico to create new jobs and elimination of cross border investments. Mexican women were a large number of workers and were placed in factories, *maquiladoras*, on the Mexico side of the U.S./Mexico border to ensure they would not come to the U.S. for work.

⁴⁹ Patrisia Macías-Rojas, *From Deportation to Prison: The Politics of Immigration Enforcement in Post-Civil Rights America*. (New York: New York University Press, 2016), 61.

⁵⁰ This was also done during the Obama Administration.

asylum, such as organized rape, domestic violence, or genital mutilation, are not easily spoken of.⁵¹

IIRAIRA was detrimental to immigrant women's ability to seek justice in cases of abuse and assault. This was especially the case with women who did not have the proper documentation.

At the same time, certain violent crimes towards women, when acted on by an immigrant, produced a swifter reaction. "The 1996 law greatly expanded the list of crimes for which 'resident aliens' can lose their residency. Prior to 1996, the list was limited to murder, rape, and other major felonies; the list now includes selling marijuana, domestic violence, some cases of drunk driving, and any conviction that carries a sentence of one year or more."⁵² Including domestic violence in the list of crimes benefited those who suffered at the hands of those who are considered legal. It also created dilemmas in reporting abusers if women did not want to jeopardize their abuser's citizenship status, especially if the perpetrator was someone in the family or a source of income. If there are children involved, if the abuser is the primary bread winner, or if the abuser is the reason a woman was able to come to the United States, reporting such cases becomes even more complicated.

Hiroshi Motomura argues that IIRAIRA was "one of the strongest enforcement measures ever adopted by Congress, among its purposes was to expand many grounds for deportability, make detention mandatory in many cases, limit discretionary relief, define streamline

⁵¹ Mary Bosworth, "Identity, Citizenship, and Punishment," in *Race, Gender & Punishment: From Colonialism to the War on Terror*, eds. Mary Bosworth and Jeanne Flavin (New Brunswick: Rutgers University Press, 2007), 142.

⁵² Jonathan Nevins, *Operation Gatekeeper: The Rise of the 'Illegal Alien' and the Making of the U.S.-Mexico Boundary* (New York: Routledge, 2002), 142.

deportation, and curtail court review of deportation decisions.”⁵³ As immigration laws become more stringent, the focus turns to the immigrant body, regardless of gender, as a guilty one and as a vessel for the implementation of its stricter disciplining.

Patrisia Macías-Rojas further details IIRIRA’s effects stating that it “weakened procedural due process for immigrants with convictions and incorporated criminal processes into immigration enforcement without having to deliver many of the substantive rights found in criminal procedure for those classified as criminal aliens.”⁵⁴ In other words, the law focused on the criminality of those who entered the country, either illegally or legally undermining all other considerations.

After the events of September 11, 2001,⁵⁵ there was a felt need among politicians and some members of the public to determine who was a threat to the United States. The creation of the Department of Homeland Security in 2002 helped enforce the rhetoric that protection of the nation was key. This was buttressed by encouraging everyday citizens to become enforcement agents. Through programs such as Operation Streamline which was “designed to apprehend and prosecute people whose only offense is unauthorized entry into the United States, thus officially designating them as existing outside the national polity and reclassifying them as ‘criminal

⁵³ Hiroshi Motomura, *Immigration Outside the Law* (New York: Oxford University Press, 2014), 168.

⁵⁴ Patrisia Macías-Rojas, *From Deportation to Prison: The Politics of Immigration Enforcement in Post-Civil Rights America* (New York: New York University Press, 2016), 61-62.

⁵⁵ On September 11, 2001, 19 militants associated with the Islamic extremist group al-Qaeda hijacked four airplanes and carried out suicide attacks against targets in the United States. Two of the planes were flown into the twin towers of the World Trade Center in New York City, a third plane hit the Pentagon just outside Washington, D.C., and the fourth plane crashed in a field in Pennsylvania. Almost 3,000 people were killed during the 9/11 terrorist attacks. <https://www.history.com/topics/21st-century/9-11-attacks>.

aliens,”⁵⁶ Homeland Security enforced a stricter border with an emphasis on zero-tolerance. As one immigrant rights groups argues, “[t]he selective prosecution and deterrence of a few means that those who do cross remain vulnerable and exploitable, yet still fully ‘threatening’ to the nation.”⁵⁷ This changing dynamic became synonymous with being an outsider and provided the ammunition that politicians needed to engage the nation in a unanimous effort against these outsiders.

The practices Homeland Security enacted vis-à-vis immigrants were justified on grounds of safety. The assumption was that terrorism could be prevented if the border was protected. That the border was not only a geographical one is borne out by the fact that immigrants who were in the country were also subject to the types of discrimination that resulted from not only a more criminalized border but also a resurgent xenophobia. Leo R. Chavez delves into the national sentiments after the September 11th attacks and explains how the enforcement of law and security concerns trumped immigrant rights:

Americans seemed willing to allow the constitutional rights of foreigners and immigrants to be diminished so long as those of citizens appeared to remain intact, a dangerous bargain at best. But if there has been one constant in both pre- and post-9/11 public discourse on national security, it has been the alleged threat to the nation posed by Mexican and other Latin America immigration and the growing number of Americans of Mexican descent in the United States.⁵⁸

Mainstream public opinion on immigration policy was a shared concern among law enforcement and citizens and created a culture that disregarded the lives of immigrants in U.S. society. This

⁵⁶ Borderlands Autonomist Collective, “Resisting the Security-Industrial Complex: Operation Streamline and the Militarization of the Arizona-Mexico Borderlands,” in *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*, eds. Jenna M. Loyd, Matt Mitchelson, and Andrew Burridge (Athens, University of Georgia Press, 2012), 191.

⁵⁷ *Ibid.*, 196.

⁵⁸ Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* (Stanford: Stanford University Press, 2008), 21.

period saw an intensification in othering and marginalizing of groups of immigrants whose very being was considered a dangerous threat. Any crimes that were committed, even those that were minor, became an alibi to separate immigrants from the protections of national law otherwise afforded them.

The creation of the Department of Homeland Security reinforced fears among immigrant women not only on behalf of their families but with respect to their well-being. This was a new reality where the immigrant community was on alert to the fact that there was a more watchful eye on the actions of those who were not born in the United States.⁵⁹ Immigrant women were considered criminals, not just as one invading body, but potentially of more depending on whether or not they had families. While immigrant men are not exempt from being connected to their families, women became stereotyped as the ones who would have babies in the United States to ensure U.S. citizenship. Mexican woman who immigrated to the United States could get pregnant which enforced a stereotype that Mexican women were taking advantage of U.S. resources. This bias ensured that the way immigrant women were viewed was that of manipulator. While immigrant women were having children in the United States, politicians were aware of their existence of these tactics of secrecy and were instituting stricter measures in tracking those suspected of hiding “under the radar.” It is significant to note that other than IRCA, every piece of immigration law since has become more restrictive and punitive, and has built on the more anti-immigrant features and its more disciplinary measures and practices.

In the aftermath of September 11th, 2001, Congress introduced a more forceful removal of non-citizens. Simultaneously, there was an increasing xenophobia among policy makers and

⁵⁹ The suspicions were also true for those who were not White.

the public. As a result, President George W. Bush created the Department of U.S. Immigration and Customs Enforcement (ICE). The stated purpose of ICE was to protect Americans from the cross-border crime and illegal immigration that threaten national security and public safety.⁶⁰ Immigrants that were considered dangerous included women and their children. The purpose of ICE was to physically remove immigrants from the country to meet the demands of political leaders.

ICE tracked and caught immigrants who had past criminal records, even if these were minor offenses. Fear of being detained by ICE exponentially arose among immigrant men and women, many of whom subsequently attempted to live under the radar. While keeping a low profile was viewed as the safer choice, it also prevented people from coming forward to report crimes. The fear of being “caught” at court when women are reporting abuse is a legitimate concern⁶¹ especially for immigrant women. As exemplified by the case of Irvin González, whom I discussed in the Introduction, there is real danger of being caught by ICE even when one reports a crime.

Although seen as a positive change from the conservative Bush regime, the Obama Administration enforced strict criminalization measures towards immigrants. Compared to his predecessors, a record number of over 430,000 immigrants were deported in 2013 with a total of more than 2 million deportations after Obama came to office.⁶² Obama built upon President

⁶⁰ U.S. Immigration and Customs Enforcement, What We Do. <https://www.ice.gov/overview>.

⁶¹ The minimum number of immigrants who must be detained at ICE facilities across the country, per the Department of Homeland Security’s, “detention bed quota.” https://theoutline.com/post/2924/ice-sexual-assault-data?utm_source=trail_card.

⁶² Ana Gonzalez-Barrera and Jens Manuel Krogstad, “U.S. Deportations of Immigrants Reach Record High in 2013,” *PEW Research*. <https://www.pewresearch.org/fact-tank/2014/10/02/u-s-deportations-of-immigrants-reach-record-high-in-2013/>.

Clinton's immigration policy even though it was assumed that Obama was going to fix immigration through reform.

While Obama became known as the "Deporter in Chief," he did not run on an anti-immigration platform. However, as pointed out in the Introduction, Donald Trump began his presidency stating openly that immigrants were not welcome to the United States. The Trump campaign ran on an anti-immigration platform that initiated greater hostility towards immigrants among sections of the electorate. Subsequent Trump Administration discussions of the removal of illegal immigrants and its rhetoric of building a wall between the United States and Mexico⁶³ created a discourse that conflated migration with criminalization.

Even as immigrants were struggling with an increasing anti-immigration rhetoric, simultaneously efforts were being put in place to try and protect immigrant women. Legal activists came forward to advance legislation as a response to egregious laws that criminalized even those were suffering from violence. While immigration status was not originally taken into account, the laws that have been signed do include those not originally born in the U.S. Understanding how the laws meant to protect the most marginalized groups, enables us to conceptualize who the law is supporting. As laws were amended, advocacy groups pushed to be as inclusive as possible with regards to the experiences of immigrant women.

Throughout the period of scrutiny here, 1986-2016, simultaneous protections for immigrant women were developed at the same time that other women were being criminalized, deported or imprisoned. It is important to keep in mind that these struggles around immigration law which include criminalization, imprisonment, and deportation are structures that are not

⁶³ I emphasize that this is a racial concern since there is not a vehemence against immigration from Canada to the United States.

permanent or fixed. They are subject to change. The Amendment of Title VII of the Civil Rights Act, implemented in 1991, included what was considered a victory in the fight for protection of women, including immigrant women, which will be discussed in Chapter 4. Title VII was amended as a way to protect the rights of workers who faced discrimination. While the Civil Rights Act of 1964 included protections against discrimination, the experiences of men and women in the workplace were not taken into account. The amendment included protections of workers who were vulnerable to abuses at their jobs. This expanded the federal protection to those who were not US citizens, requiring applicants or newly hired employees to provide certain specific or additional employment authorization document. This was to prove their citizenship status or national origin instead of accepting any of the several forms of documentation individuals are permitted to submit under applicable federal law.⁶⁴ This requirement was ostensibly designed to protect immigrant workers in agriculture and factories. Title VII was a mechanism by which the Equal Employment Opportunity Commission (EEOC), which fought to protect Olivia Tamayo, attempted to protect the most discriminated in society.

While Title VII dealt with concerns faced by working women, the Violence Against Women Act (VAWA) cast a wider net with regard to the injustices women experienced. Sally Goldfarb explains that the Violence Against Women Act of 1994 provided “protection for women with a cause of action for acts of violence that otherwise would not be adequately redressed because of gender discrimination in the state criminal and civil justice systems.”⁶⁵ This ensured that victims would have the acknowledgement and protection of the law to come

⁶⁴ “Immigrants’ Employment Rights Under Federal Anti-Discrimination Laws.” *U.S. Equal Employment Opportunity Commission*. <https://www.eeoc.gov/eeoc/publications/immigrants-facts.cfm>.

⁶⁵ Sally Goldfarb, “The Supreme Court, the Violence Against Women Act, and the Use of Federalism,” *Fordham Law Review* 71, no. 1 (2002): 122.

forward with acts of discrimination and abuse. VAWA included the authorization of the following:

\$1.62 billion in federal funds over the course of six years to support a host of programs, including federal grants to increase the effectiveness of police, prosecutors, judges, and victim services agencies in cases of violent crimes against women, federal funding for battered women's shelters, and a national toll-free domestic violence hotline; rape and domestic violence education and prevention programs; and a national database to improve local, state, and federal law enforcement agencies' ability to record and share information on domestic violence and stalking offenses.⁶⁶

VAWA tried to tackle the larger problem of violence against women, including the need for education and prevention of violence. It continues to be the broadest and most comprehensive policy to protect women who face abuse and assault.

Patricia Castillo of The P.E.A.C.E. Initiative, an organization in San Antonio, Texas that supports women (and men) who have been victims of abuse, discussed how VAWA was a major breakthrough in defending immigrant women in the face of the law. Ms. Castillo emphasized that "VAWA opened up a whole other focus to supporting immigrants by providing them opportunities including outreach, support, and bringing forward survivors."⁶⁷ It was not just that women had the protection of the law to come forward with their abuse, but they had the ability to find others that had gone through similar experiences. As organizations were created, which will be further discussed in Chapter 4, women had the ability to go to one place to find out the protections that were available. This reliance on the community, activists, and services is crucial for immigrant women to survive in a new place, considering the limitations that they feel if they do not have the added protection of documentation.

⁶⁶ Sally Goldfarb, "The Supreme Court, the Violence Against Women Act, and the Use of Federalism," *Fordham Law Review* 71, no. 1 (2002): 64.

⁶⁷ Patricia Castillo, interview by author, San Antonio, December 27, 2018.

Gloria González López explains how “an undocumented woman living in an abusive relationship with a U.S. citizen or permanent resident may be eligible for legal-resident status under a ‘self-petition’ provision.”⁶⁸ A VAWA self-petition allows immigrant victims to ‘self-petition’ for lawful permanent resident status without separating from the abuser, thereby allowing the victim to leave the abuser after lawful permanent resident status has been obtained.⁶⁹ VAWA was groundbreaking in the way that women could protect themselves when they had been abused. “Congress found that the discriminatory treatment of women by the state justice systems were rooted in centuries-old patterns of sex discrimination and adherence to invidious stereotypes about women; these are the same attitudes that contribute to the epidemic of violence against women.”⁷⁰ These discrimination practices were especially fraught with respect to undocumented immigrant women which was something advocates fought to rectify.

The introduction of the U visa in 2000, as part of the Victims of Trafficking and Violence Protection Act, was a legal measure created to protect immigrant trafficked women. The U visa was instituted with the purpose of encouraging undocumented immigrants to report crime and cooperate with law enforcement by giving them the option to stay in the U.S. for four years, thereby eliminating the fear that reporting a crime would automatically lead to deportation.⁷¹ In


⁶⁸ Gloria González-López, “Nunca he Dejado de Tener Terror’: Sexual Violence in the lives of Mexican Immigrant Women,” in *Women and Migration in the U.S.-Mexico Borderlands: A Reader*, eds. Denise A. Segura and Patricia Zavella (Durham, North Carolina: Duke University Press, 2007), 242.

⁶⁹ “Violence Against Women Act (VAWA) Provides Protections for Immigrant Women and Victims of Crime,” *Immigration Policy Center, American Immigration Council* (2012), <https://www.americanimmigrationcouncil.org/sites/default/files/research/vawa.pdf>.

⁷⁰ Sally Goldfarb, The Supreme Court, the Violence Against Women Act, and the Use of Federalism. *Fordham Law Review* 71, no. 1 (2002): 71.

⁷¹ Sara Ramey, “Eliminating the U Visa Cap Will Help Catch Criminals,” *The Hill*. February 14, 2018. <https://thehill.com/opinion/immigration/373808-eliminating-the-u-visa-cap-will-help-catch-criminals>.

order to receive a U visa, a victim has to file a petition for U Nonimmigrant Status, provide a personal statement of the activity in which they provide evidence to establish eligibility.⁷² As supportive as this measure was, the difficulties associated with reporting abuse, including trauma or language barriers that prevent an accurate depiction of the violence, making it difficult for many immigrant women to utilize the U visa. Furthermore, while the U visa was meant to protect clients against the process of deportation, “[n]o more than 10,000 U visas [are] issued each year.”⁷³ The following table shows the number of U visas that were requested between 2009-2016. It is noteworthy that the number of applicants are three times what the approved numbers are for a particular fiscal year.

 U.S. Citizenship and Immigration Services												
Number of Form I-918, Petition for U Nonimmigrant Status, by Fiscal Year, Quarter, and Case Status 2009-2017												
Period	Petitions by Case Status											
	Victims of Criminal Activities ¹				Family Members ¹				Total			
	Petitions Received ²	Approved ³	Denied ⁴	Pending ⁵	Petitions Received ²	Approved ³	Denied ⁴	Pending ⁵	Petitions Received ²	Approved ³	Denied ⁴	Pending ⁵
Fiscal Year - Total⁶												
2009	6,835	5,825	688	11,863	4,102	2,838	158	9,275	10,937	8,663	846	21,138
2010	10,742	10,073	4,347	7,403	6,418	9,315	2,576	6,242	17,160	19,388	6,923	13,645
2011	16,768	10,088	2,929	10,184	10,033	7,602	1,645	8,329	26,801	17,690	4,574	18,513
2012	24,768	10,122	2,866	19,899	15,126	7,421	1,465	15,592	39,894	17,543	4,331	35,491

⁷² Victims of Criminal Activity: U Nonimmigrant Status. U.S. Citizenship and Immigration Services, <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>.

⁷³ Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border*. (Minneapolis: University of Minnesota, 2002), 157.

2013	25,432	10,030	1,829	33,540	18,263	8,198	1,440	24,956	43,695	18,228	3,269	58,496
2014	26,039	10,020	4,056	45,898	19,229	8,500	3,017	33,111	45,268	18,520	7,073	79,009
2015	30,106	10,026	2,715	63,762	22,560	7,662	1,965	46,541	52,666	17,694	4,680	110,303
2016	35,044	10,046	1,843	86,980	25,666	7,891	1,318	63,624	60,710	17,937	3,161	150,604

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This chart raises the question as to why so many U visas did not get approved? Those studying the policies and protections to victims of abuse need to look beyond the numbers of U visas shown. I argue that this is something that advocates and policy makers need to address. The U visa still needs to be a more accessible resource and politicians need to find ways to ensure more immigrant women are benefiting from this protection.

The significance of these laws designed to protect women is that they make us aware that circumstances do change. Even as advocates demand more inclusivity in policies designed to offer protection to women, the need to fight against larger barriers remains immense. Later in this study, I return to a closer examination of the gains and steps still necessary in advocacy on behalf of all women, including immigrant women. However, prior to that analysis, in the following chapter, I focus on the ways in which immigrant women live their lives through their jobs, their community, and their places of worship. Similar to the law and its contradictory implications for women, even within the community and other sources of support women can and do occasionally experience abuse and silencing.

⁷⁴ Number of Form I-918, Petition for U Nonimmigrant Status, by Fiscal Year, Quarter, and Case Status 2009-2017. U.S. Citizenship and Immigration Services.

Chapter 2: Settlement of Immigrant Women in the United States

As a result of the various immigration policies and acts that were reinforced over the past number of years, Mexican immigrant women found their bearings in their new country of the U.S. No matter how challenging this proved to be, they created spaces that served as epicenters in their community. While these spaces varied between temporary or permanent, they all affected what life would be like with regards to settlement in the United States. I define settlement as the practices that are used to generate spaces of growth economically and socially in their new political environment. In this chapter, I focus on the settlement strategies of immigrant women. The ways in which immigrant women work, utilize resources, and interact with their community is important when analyzing the results of changes in immigration policies at a national and local level. This chapter is heavily influenced by Pierrette Hondagneu-Sotelo, and her research of immigrant communities through a feminist lens. As mentioned in my historiography in the Introduction, Hondagneu-Sotelo's contributions have influenced the way immigration scholars have understood the voices and experiences of immigrant women. This is a way to incorporate the specific experiences of Mexican women instead of leaving them in the margins. The purpose of distinguishing the ways immigrant women live takes the broader subject of immigration policy and analyzes it on a micro-level. This is crucial to demonstrating the agency of those who currently reside in the United States.

Living in the United States, comes with a desire of prosperity. The concept of the “American Dream”⁷⁵ may seem like a goal for all who live in the United States, but the reality is

⁷⁵ “The American Dream” was coined by James Truslow Adams in 1931. Truslow was an American banker and historian who believed that hard work resulted in great opportunity. It is worthy to note that Truslow himself came from a very wealthy family in Brooklyn, New York. Truslow's definition was “that dream of a land in which life should be better and richer and

that not everyone has this mentality or this opportunity. Most U.S. born citizens assume immigrants should always be working towards the goals of U.S. success. However, it becomes apparent that success is not a linear or accessible choice. Immigrants in the United States recognize the necessity of survival, especially with the higher costs of living in comparison to other countries, but it is not a given that succeeding in the United States is all that can be attained. For many, the need for settlement is merely a form of survival rather than of reaching goals of American prosperity. The notion of settlement strategies, especially for undocumented women, often links to the factors that motivated migration in the first place.

Beyond the difficulties of not having citizenship documentation, there are significant systemic reasons that not everyone can reach the same goals. As economist Joseph Stiglitz highlights, “[r]acial inclusion, gender inclusion, and that dimension of inequality⁷⁶ is so undermining of our society...[w]e’re so far out of line with the other advantaged countries. Those are two things that I think are the most striking in the sense that they are inconsistent with deeply held values and are leading to both more inefficiency and more inequality.”⁷⁷ This is significant when recognizing the way U.S. policy makes citizens view immigrants and their actions. By acknowledging the barriers of success in the U.S., one can develop a better perception of how settlement is obtained through the lives of those who do not have

fuller for everyone, with opportunity for each according to ability or achievement...a dream of a social order in which each man and each woman shall be able to attain to the fullest stature of which they are innately capable, and be recognized by others for what they are, regardless of the fortuitous circumstances of birth or position.”

http://www.columbia.edu/cu/lweb/archival/collections/ldpd_4078384/.

⁷⁶ I would also include immigrant inclusion.

⁷⁷ Gillian B. White, “A Conversation with Joseph Stiglitz, *The Atlantic*. April 28, 2016. <https://www.theatlantic.com/business/archive/2016/04/stiglitz-inequality/479952/>

documentation. Adelaida Del Castillo emphasizes the importance of settlement in a society and how it differs for immigrants:

The civilizing cultural practices of undocumented immigrant communities contest civil discourses that privilege only full citizens as special members of society and as free and equal individuals. For the full citizen, this free and equal status is obtained through participation in activities related to the public sphere. For the illegal immigrant, the public sphere is flexible, local, and informal.⁷⁸

The space created specifically by immigrant women goes beyond just home and community. It is a marker of how women and their bodies are represented. The visibility of immigrant women in society reflects both immigration policy and a connection to transnational relationships. The actions and choices immigrant women make represent the way U.S. citizens see immigration as a concept. If immigrant women are thriving in jobs and in business, citizens then see immigration as a gain and contribution to the country. However, when citizens see immigrant women in poverty utilizing resources, they view immigrant women as draining the goods that have been so graciously provided by the United States. As Kay Deaux affirms, “Mexican immigrants are generally viewed the most negatively...more likely to be seen as not bringing needed skills into the country and as draining the economy.”⁷⁹ The fact that some immigrants arrive and live without the necessary documentation to qualify them as worthy of goods and services complicates the matter. This mentality has perpetuated with immigrants who have arrived to the U.S. in the last thirty years.

⁷⁸ Adelaida Del Castillo, “Illegal Status and Social Citizenship: Thoughts on Mexican Immigrants in a Postnational World” in *Women and Migration in the U.S.-Mexico Borderlands: A Reader*, Denise A. Segura and Patricia Zavella, eds. (Durham, North Carolina: Duke University Press, 2007), 97.

⁷⁹ Kay Deaux, *To Be an Immigrant* (New York, NY: Russell Sage Foundation, 2006), 46.

While the outcomes of immigrating happen before women leave Mexico, such as deciding to leave other family members behind, the results of these migrations effect the future actions of immigrant women. After IRCA, one of the decisions included coming to the United States to qualify for legalization, enabling social networks that incorporated women over time, and finding jobs especially in domestic work.⁸⁰ The need to establish a footing in the United States is crucial to the ways in which Mexican immigrants managed the newfound responsibilities of establishing themselves in U.S. society. These responsibilities include securing an income, ensuring that children are taken care of, and finding a community to live near. While these practices assisted immigrant women, the complexities of being an outsider to the nation and its regulations of full citizenship come with its share of barriers. These barriers are exhibited through the realities of being an immigrant:

Daily encounters with language difficulties, racism, poverty, vulnerability at the workplace and harassment in public areas due to the lack of legal status, the problems associated with missing loved ones 'back home' and becoming accustomed to new social circles in a foreign environment...⁸¹

These limitations can inhibit the ability to truly feel incorporated into the new society. When one has the persistent, psychological pressures of feeling as though they do not belong, coupled with legal pressures, it can have a significant impact on the way one interacts in their society.⁸²As a result, the ways that immigrant women conquer these stressors, is significant in understanding the complexity of living in the United States. Some of the ways that women do this are crucial to

⁸⁰ Pierrette Hondagneu-Sotelo, *Gendered Transitions: Mexican Experiences of Immigration* (Berkeley and Los Angeles, California: University of California Press, 1994), 26-27.

⁸¹ *Gendered Transitions*, 198.

⁸² Ben C.H. Kuo, "Coping, Acculturation, and Psychological Adaptation Among Migrants: A Theoretical and Empirical Review and Synthesis of the Literature," *Health Psychology & Behavioural Medicine* 2, no. 1 (2014): 29-30.

fulfilling their needs. These needs include a wage, childcare, a support system, and protections against immigration enforcement. These needs do not cover all the situations immigrant women face, but they emphasize the differences in living in the United States compared to a U.S. born citizen.

Hondagneu-Sotelo recognizes the difficulties immigrant women encounter as part of settling in the United States. She argues that “[w]omen’s experiences are not seen as central in the vast majority of immigration studies...[w]omen as research subjects, and gender as an analytical category continue to be marginalized within mainstream migration research.”⁸³ As a result, researchers underestimate the importance of understanding settlement. In order to avoid this mistake, I indicate the importance of experiences that immigrant women face and specifically delve into the ways in which immigrant women settle into their community.

A common situation for immigrant women is the need to get a job in the United States. While white middle-class women fought for the ability to not have to stay solely in the home,⁸⁴ it is not necessarily the rights immigrant women have wanted.⁸⁵ Women do move to the United States for the ability to obtain an income to gain independence or provide funds for their families, but the need to enter the work force is primarily a matter of survival. Hondagneu-Sotelo emphasizes this by pointing out that “[s]everal incomes can better accommodate a family’s

⁸³ Pierrette Hondagneu-Sotelo, “Feminism and Migration,” *The Annals of the American Academy of Political and Social Science*, Vol. 571 and *Feminist Views of the Social Sciences* (2000): 119.

⁸⁴ Betty Friedan’s *The Feminine Mystique* discusses how women were trying to find fulfillment outside the home.

⁸⁵ In the United States, some immigrant women are left no choice but to work in an underground economy since they do not always have the proper documentation to work in sectors that require citizenship documentation. “*Gender Bias and Immigration Policy*,” The Women’s Legal Defense and Education Fund. <https://www.legalmomentum.org/gender-bias-and-immigration-policy>.

increased needs, so multiple wage earners, including women and teenage children, enter the labor force in order to provide resources sufficient for the family's daily needs.”⁸⁶ One of the primary jobs that undocumented women take on is the role of the domestic worker. This position is sometimes preferred because of its accessibility to free or low-cost board, payment without the need for government documentation, and its potential to keep the status of a woman's citizenship hidden. This need for secrecy of one's status is beneficial when one is attempting to create a space for themselves without the worry of deportation, however this makes women vulnerable to exploitation because women potentially have no recourse against an abusive employer. According to the National Alliance of Domestic Workers:

domestic workers experience high rates of abuse on the job. Being yelled at or threatened is a common occurrence across occupations. Housecleaners also report higher levels of abuse at work. 28% were threatened with being reported to immigration authorities, and 19% were pushed or physically hurt by an employer or someone in an employer's home.⁸⁷

Domestic workers are also susceptible to the abuses that occur while working in a person's home. The vulnerability of domestic workers to sexual abuse is especially noteworthy. Diana Velloso chronicles the ways that women are abused in domestic worker spaces. Velloso explains that “[d]omestics working in private homes do not have other people to validate or strengthen their stories and are isolated from other individuals who wouldn't be willing and able to attest to

⁸⁶ Pierrette Hondagneu-Sotelo, *Gendered Transitions: Mexican Experiences of Immigration* (Berkeley and Los Angeles, California: University of California Press, 1994), 17

⁸⁷ Interviews with 516 housecleaners, nannies and care workers for people with disabilities or for the elderly who work in private homes. “Living in the Shadows: Latina Domestic Workers in the Texas-Mexico Border Region,” A.Y.U.D.A. Inc., Comité de Justicia Laboral, Fuerza del Valle Workers' Center, National Domestic Workers Alliance (New York, 2016), 3.
[https://actionnetwork.org/user_files/user_files/000/024/054/original/Living_in_the_Shadows_rpt_Eng_final_screen_\(1\)_1.pdf](https://actionnetwork.org/user_files/user_files/000/024/054/original/Living_in_the_Shadows_rpt_Eng_final_screen_(1)_1.pdf)

their exploitation.”⁸⁸ One example of this is the story of Araceli Herrera. Herrera was a live-in domestic worker, who was paid \$45 a day to clean a five-bedroom house in San Antonio, Texas. She consistently lived in fear after awakening to find the teenage son of the homeowners climbing on top of her.⁸⁹ Vellos argues that “there are not many reported cases of sexual abuse experienced by undocumented workers, mainly because undocumented workers depend upon their employers for their livelihood. Consequently, they feel vulnerable to their employers’ demands and fear being deported back to their native land.”⁹⁰ This makes the situation ripe for exploitation. “Undocumented women are also more vulnerable to experience sexual assault and harassment at work because of the coercive leverage that their immigrant status potentially provides employers.”⁹¹ Herrera’s case proves this by stating, ““They (employers) threaten to call the police, or *la migra*. ””⁹² Immigrant women, especially undocumented women, will stay in dangerous places of work to be able to continuously avoid having to worry about being deported. The dependency of some women on their employers enforces a relationship that could be detrimental to gaining rights that U.S. born workers are supposedly afforded. The benefits of settlement and gaining an income is that a woman could potentially find herself with the funds available to leave a dangerous situation.

⁸⁸ Diana Vellos, “Immigrant Latina Domestic Workers and Sexual Harassment” *Journal of Gender and the Law* 5, no. 407 (1997): 425.

⁸⁹ Jason Buch, “Domestic Workers Protest Treatment,” *San Antonio Express News*, June 20, 2015. <https://www.expressnews.com/news/local/article/Domestic-workers-protest-treatment-6339639.php>.

⁹⁰ Diana Vellos, “Immigrant Latina Domestic Workers and Sexual Harassment” *Journal of Gender and the Law* 5, no. 407 (1997): 419.

⁹¹ Shirley Lin, “And Ain’t I A Woman?”: Feminism, Immigrant Caregivers, and New Frontiers for Equality,” *Harvard Journal of Law & Gender* 39 (2016): 88.

⁹² Jason Buch, “Domestic Workers Protest Treatment,” *San Antonio Express News*, June 20, 2015. <https://www.expressnews.com/news/local/article/Domestic-workers-protest-treatment-6339639.php>.

Mary Romero's work investigates the difficulties houseworkers face in Texas. Romero spoke with twenty-five houseworkers to find out what their lives were like and if their needs were being met. Romero concluded:

[m]aids in El Paso receive little, if any, vacation and no workmen's compensation, health benefits or retirement pension. Live-in domestics are usually paid no more than forty dollars a week. Day workers rarely receive minimum wage. Employers commonly threaten to deport undocumented domestics if they refuse to do more work, reject sexual advances, or attempt to return home.⁹³

This level of exploitation not only highlights the effects of invisibility in the work place but also demonstrates the potential loss of opportunities for further work. Since women quickly become aware of these challenges, a number of strategies are potentially useful as settlement practices to help them cope with or leave a difficult situation.

While U.S. born women were making up large numbers in the workforce, there was a need to hire immigrant women as the caretakers of the home. It was necessary to hire other women to care for the children and in what was considered an effort of feminine independence. Staying at home was becoming synonymous with not practicing one's right to work. However, the responsibilities of the home still needed to be attended to so U.S. born women would rely on the labor of immigrant women. As Hondagneu-Sotelo states, "[d]uring the 1980s and 1990s, income polarization in the United States intensified, setting the stage for further expansion of paid domestic work."⁹⁴ Immigrant women, with their ability to work in the day time, and sometimes for their need for housing, made for the preferred type of employees working women required.

⁹³ Mary Romero, *Maid in the U.S.A.* (New York, New York: Routledge, 1995), 92.

⁹⁴ Pierrette Hondagneu-Sotelo, *Doméstica: Immigrant Workers Cleaning and Caring in the Shadows of Affluence.* (Berkeley and Los Angeles, CA: University of California Press, 2000), 6.

A second way that immigrant women get into the workforce is through agriculture positions. Similar to domestic work, agriculture provides a place that does not require documentation. In Texas, spaces where large numbers of workers were needed created another opportunity for immigrant women to work. However, this leads to the vulnerability of being attacked by foreman or employers who exploit workers without documents.

A third way immigrant women find work is through the food industry. Restaurants obtain easy labor with undocumented women. Customers do not see the staff in the kitchen and restaurant owners can utilize immigrant labor for long hours. Sexual harassment by fellow employees, or from restaurant owners, is met with little consequences depending on the citizenship status of an immigrant worker.

The immigrant community of women is connected by language, ideas, and patterns of behavior. Patricia R. Pessar argues:

[w]omen are positioned differently than men with regard to both the broader economy and the state. As women, they are socially assigned responsibility for the daily and generational sustenance of household members, even when, as is the case for many immigrants, family wages are wholly insufficient. Research is badly needed to determine whether and how immigrant women manage to overcome very real concerns over legal vulnerability to confront the state over family and community welfare issues.⁹⁵

It is crucial to acknowledge that this statement was written twenty years ago. As detailed by the change in immigration policy detailed in Chapter 1, there is a reality that the vulnerability is even most substantial. The stricter immigration policies make it more difficult to report against immigrant communities and feel. In order to alleviate this struggle, the church has served as a

⁹⁵ Patricia R. Pessar, “Engendering Migration Studies: The Case of New Immigrants in the United States,” in *Gender and U.S. Immigration: Contemporary Trends*, ed. Pierrette Hondagneu-Sotelo (Los Angeles, California: University of California Press, 1999), 30.

space for immigrants to share resources and find guidance, spiritually and financially. For Mexican immigrants, “the presence and expression of a strong religious faith remains one of the salient characteristics of the recently arrived populations...immigrants to the U.S. South are arriving in a strange land and finding that a shared religion builds bridges.”⁹⁶ Immigrant women reach out to the church to find support for the needs that have been reinforced to them in their culture. Bustamante discusses the relationship of the church and gender roles for women. He argues, “Christian groups, for example, exercise significant influence over sexual behavior within and beyond the family milieu (restrictions on premarital, extramarital, and other sexual activities that deviate from the norm)...despite the overt evidence of spousal abuse.”⁹⁷ While beneficial for those who may have needed solace in feeling excluded from their societies, this has also led to relationships with the Church that enforced more traditional gender roles.

The Church took on the task of providing guidance to immigrant communities who may have felt lost or unsure of their status. Anthony Quiroz argues that “[t]he Church, nationally, was dedicated to the goal of assimilating its immigrant flock and saw newly arrived people from Mexico in need of spiritual as well as secular amelioration.”⁹⁸ Unfortunately, this could sometimes lead to exploitation of those in need. Church members may try to utilize the labor of undocumented women without pay in exchange for what are promoted as services from the church. The Church may also use the fact that an immigrant woman does not have any other place to go, to manipulate her into thinking that she has no other options. Susan G. S. McGee explains what a situation may be like for woman suffering from domestic abuse by stating, “[i]f a

⁹⁶ José María Mantero, *Latinos and the U.S. South* (Westport, Connecticut: Praeger, 2008), 210.

⁹⁷ Juan José Bustamante, *Transnational Struggles: Policy, Gender, and Family Life on the Texas-Mexico Border* (El Paso, Texas: LFB Scholarly Publishing LLC, 2014), 105.

⁹⁸ Anthony Quiroz, *Claiming Citizenship: Mexican Americans in Victoria, Texas* (Texas A&M University, 2005), 25.

survivor believes that her church...supports the batterer or puts preservation of the family above her safety, she is more likely to stay.”⁹⁹ As a result of this additional pressure, immigrant women may feel that since her surrounding community is reinforcing the fact that she should not split her family or jeopardize her status in the United States, she will need to stay in a violent situation.

While this chapter discusses the surrounding environment that immigrant women rely on, regardless if it is in her best interest, the ability to differentiate how sexual assault and domestic abuse are understood in the community is an entirely other discussion. As the following chapter explains, the circumstances of sexual assault and domestic abuse are more wide-ranging than may be initially understood.

⁹⁹ Susan G. S. McGee, “20 Reasons Why She Stays: A Guide for Those Who Want to Help Battered Women,” (2004): 15. <http://www.ncdsv.org/images/20ReasonsWhySheStays.pdf>.

Chapter 3: The Effects of Sexual Assault and Domestic Abuse in the Immigrant Community

This chapter will detail the complexities of sexual assault and domestic abuse towards undocumented immigrant women. My primary argument is that depending on law enforcement and policies that are being practiced, an immigrant woman can feel it is more difficult to report abuse. As mentioned throughout this thesis, it is important to acknowledge that there is a different outcome if a perpetrator is an undocumented immigrant themselves or if they are a person in a position of power. Whether the perpetrator's position, a woman's settlement in the United States is at risk.

In the cases of domestic abuse, which “connotes violence that occurs in a domicile,”¹⁰⁰ the act of reporting creates challenging aftereffects because there is a possibility that the person causing the abuse can potentially be deported themselves. This results in the victim being without the financial, emotional, and familial support of their spouse or significant other. Another example can be that the abuser or assaulter in question is a United States citizen, which means they have more leverage in the situation. It is crucial to understand both of these circumstances when acknowledging the difficulties in reporting abuse because both situations will inevitably affect the way immigrant women live. In this chapter, I argue what is at stake for undocumented immigrant women and how silence is sometimes found to be the more, or possibly the only, resourceful cause of action.

¹⁰⁰ Alex Gitterman ed. *Handbook of Social Work Practice with Vulnerable and Resilient Populations* (New York: Columbia University Press, 2014), 392.

Sexual assault is a reality for many immigrant women. For the sake of encompassing all descriptions, I have incorporated the definition by The State of Texas Penal Code¹⁰¹ which details the situations considered assault. This Penal Code was amended in 1995, a year after the implementation of the Violence Against Women Act.¹⁰² This is relevant in that it expanded the definition of abuse and opened up a myriad of ways that women who have been abused may not have been recognized in the past. Understanding what actions are considered crimes provides a more accurate checklist of what someone could potentially report as abuse. The aspiration from supporters of the victims is that a larger catalog of what is considered an actionable crime, could potentially lead to more reporting from the immigrant women who have been abused.¹⁰³ The Violence Against Women Act:

does not require an immigrant woman to have legal immigration status, but they must be a victim of qualifying criminal activity and have suffered substantial physical or mental abuse as a result of the crime, possess credible and reliable information about qualifying criminal activity, be or have been likely to be helpful to the investigation and/or prosecution of that qualifying criminal activity, and be a victim of a criminal of an activity that violated U.S. law.¹⁰⁴

Unfortunately, crime statistics related to women's abuse are incomplete. For example, when researching PEW Reports,¹⁰⁵ accurate numbers on immigrant women who have been sexually

¹⁰¹ Detailed situations of sexual assault found in The State of Texas Penal Code Chapter 22, Section 22.011.

¹⁰² Explained in Chapter 1.

¹⁰³ While this is beneficial for those women who do not have documentation, there still lies the difficulty in trusting that law enforcement will not deport the women, or that the stories they provide law enforcement, will not be misunderstood or sufficiently severe enough to warrant an arrest of an abuser.

¹⁰⁴ Immigration Options for Victims of Crimes: Information for Law Enforcement, Health care Provides, and Others. *U.S. Citizenship and Immigration Services*. <https://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Battered%20Spouse%2C%20Children%20%26%20Parents/Immigration%20Options%20for%20Victims%20of%20Crimes.pdf>.

¹⁰⁵ A non-partisan think tank that informs the public about the issues, attitudes and trends shaping the world through public opinion poll, demographic research, content analysis and other data-driven social science research. <https://www.pewresearch.org/about/>.

assaulted are not available. This is due to the fact that the PEW Research Center does not document a person's citizenship status.¹⁰⁶ Although PEW Research emphasizes that it does not ask for citizenship status as part of its information intake, people understandably feel trepidation on providing information to PEW researchers. Victoria Riechers of the Arizona Coalition to End Sexual Assault and Domestic Abuse emphasizes that numbers from the Intimate Partner Survey of the Center of Disease Control and Prevention, while high (60-80% women report sexual assault), are still assumed to be low.¹⁰⁷ This explains why reporting abuse is an important and utilized action. However, there is still a disconnect with women who may be more susceptible to danger when they report their abusers. It is important to note that in recent stories about reporting abuse on a national level,¹⁰⁸ the reality is that fear of law enforcement is also prevalent.

Immigrant women who do report abuse find that the ways to report are also limited. Limitations include language barriers, fear of deportation, lack of knowledge regarding what sexual assault and protections are, or ostracization from the community.¹⁰⁹ These factors ensure that immigrant women have a more difficult time in confronting and explaining the crimes that happen. This roadblock is one that abusers can utilize to control their victims. For instance, if a woman reports abuse, they are told by their abusers that they would be responsible for what happens to the abuser and/or if something were to happen to their children.

¹⁰⁶ D'Vera Cohn, *How Many Undocumented Immigrants?* Pew Research Center. <https://www.pewsocialtrends.org/2010/05/11/how-many-undocumented-immigrants/>.

¹⁰⁷ Victoria Riechers, phone interview with author, August 13, 2018.

¹⁰⁸ Cora Engelbrecht, "Fewer Immigrants Are Reporting Domestic Abuse. Police Blame Fear of Deportation." *The New York Times*. June 3, 2018. <https://www.nytimes.com/2018/06/03/us/immigrants-houston-domestic-violence.html>.

¹⁰⁹ National Sexual Violence Resource Center, SART Toolkit Section 6.12, <https://www.nsvrc.org/sarts/toolkit/6-12>.

Reporting rape for immigrant women is difficult especially considering the fact that reporting the crime does not necessarily have the protections that may be afforded to women born in the United States. Sylvanna M. Falcón emphasizes this limitation by concluding that “[r]ape is difficult to prove under many circumstances, so attorneys reduce charges in order to secure a conviction. Because of their undocumented and ‘illegal’ status in immigration law, women form a highly vulnerable group.”¹¹⁰ This reality stresses that while reports are made by women of a situation of rape, the overarching problem is the vulnerabilities that fall on groups of women whose statuses rely on the protection of the law. It is important to also note that even though immigrant women may have legal status, they are not always protected.

An examination of Mexican immigrant women’s narratives of sexual violence, however, reveals “how gender and migration begin to unfold the social dynamics that shape Mexicans’ vulnerability to sexual assault in both countries.”¹¹¹ Gloria González López states:

[s]exual violence is the major and immediate reason prompting migration for some of these women. However, migration may help Mexicanas to cope with sexual violence only temporarily; for gender equality is not a social guarantee after they enter the United States. Migration automatically translates not into lifestyle improvement, but into a collection of new socioeconomic and sociopolitical scenarios that surround family, couple relationships, and the rest of the immigrant world, which Mexicanas decipher as immigrant women.¹¹²

Some migrants believe that the United States is a land of progress and freedom for all, but when utilizing the laws, resources, and rights migrants quickly face barriers. The case of *Sanchez v.*

¹¹⁰ Sylvanna M. Falcón, “Rape as a Weapon of War: Militarized Rape at the U.S.-Mexico Border,” in *Women and Migration in the U.S.-Mexico Borderlands: A Reader*, eds. Denise A. Segura and Patricia Zavella (Durham, North Carolina: Duke University Press, 2007), 219.

¹¹¹ Gloria González-López, “‘Nunca he Dejado de Tener Terror’: Sexual Violence in the Lives of Mexican Immigrant Women,” in *Women and Migration in the U.S.-Mexico Borderlands: A Reader*, eds. Denise A. Segura and Patricia Zavella (Durham, North Carolina: Duke University Press, 2007), 225.

¹¹² *Ibid.*, 241-242.

Keisler, reveals that a woman's immigration status is necessary to understand the barriers immigrant women are up against. Ana Sanchez entered the United States in 1989, 'without inspection'¹¹³ In 1991, she married Francisco Mendez, who was a legal permanent resident¹¹⁴ and had a child with him. Sanchez alleges that she suffered physical, emotional, and psychological abuse at the hands of Mendez which led to their divorce in 1995. In 2000, Sanchez met Robert Bozynski. One evening in 2001, Sanchez and Bozynski went out to dinner. Sanchez had two drinks over the course of the evening and eventually lost consciousness. She awoke to Bozynski on top of her, but she was unable to defend herself. Sanchez concluded that her drinks must have been drugged. When discussing the situation with Bozynski, he insisted that the sexual encounter was consensual.

Sanchez learned she was pregnant and informed Bozynski. Bozynski became upset and accused Sanchez of lying and saying that she had been with another man. Nevertheless, Sanchez and Bozynski married in 2001. Bozynski eventually became more accusatory towards Sanchez. In some cases, Bozynski would get angry that Sanchez would speak Spanish to her child, because he did not speak the language. Bozynski threatened to have Sanchez deported back to Mexico by telling her he would report her to the immigration authorities. In 2002, Bozynski eventually reported Sanchez to the Immigration and Naturalization Service (INS) by stating that Sanchez 'claimed to have requested the marriage for the sole purpose of obtaining lawful status

¹¹³ "Without inspection" in the context of immigration law means entering the United States without being inspected by a U.S. immigration official. <https://definitions.uslegal.com/e/entered-without-inspection/>.

¹¹⁴ A legal permanent resident is someone who is not a citizen of the United States under legally recognized and lawfully recorded permanent residence as an immigrant. Previously known as a "Green Card holder." Lawful Permanent Resident, U.S. Citizenship and Immigration Services. <https://www.uscis.gov/tools/glossary/lawful-permanent-resident>.

in the United States.’ As a result, Sanchez was arrested by INS and served with a Notice to Appear (NTA).¹¹⁵

The significance of this court case lies in the complexities of immigrant women being at risk as both the face in the legal process and simultaneously as assaulted women and political deportees. The reality of reporting sexual assault in Mexico compared to assault that happens in the United States are not just differentiated by borders. Reporting sexual assault in the United States comes with the complexities of what is considered serious enough to report. Domestic abuse on the other hand, has its limitations based on the way it is viewed in the United States. As Hiroshi Motomura argues, “[d]omestic violence can be a basis for a number of special provisions that grant lawful immigration status....Congress has passed private bills for noncitizens whose circumstances were especially compelling but did not fit into any existing type of admission or discretionary relief.”¹¹⁶ Analyzing the discourse as to how immigrants are perceived, Motomura states that “[s]ome observers have criticized what they call a trend to legalize and offer lawful permanent resident status only to those who match up with some image of stereotypical victims...or why federal agencies seem more responsive to physical harm suffered by victims rather than to psychological coercion.”¹¹⁷ Keeping the figure of the immigrant in need is beneficial to the framework of the United States as an alleged fair space for those who have been oppressed and marginalized. However, perpetuating the narrative at the expense of immigrants who may not get the protections that are promised, is just as harmful as not providing any service at all.

¹¹⁵ *Sanchez v. Keisler*, Nos. 06-2745 & 06-3424 (2007).

¹¹⁶ Hiroshi Motomura, *Immigration Outside the Law* (New York, NY: Oxford University Press, 2014), 196.

¹¹⁷ *Ibid.*, 197.

The continuation of abuse towards immigrant women does not garner the same public outrage that other crimes have based on the assumption that “the perpetrators of serial murders, domestic violence, and random violence against women can count on a lack of public outrage and official insouciance with regard to their capture.”¹¹⁸ The less the public knows or cares about victims of assault, particularly with the attitudes felt towards “illegal” immigrants, the more this creates a wall that prevents women from finding the support they need from their community or from the larger society.

Reporting domestic abuse is very different than reporting sexual assault. Jenny Rivera states that “local prosecutors and judges react differently to domestic violence cases than to other criminal cases. They often treat these cases as inconsequential or private matters, ill-suited to state intervention. Gender bias in the courts therefore results in the disparate treatment of domestic violence crimes compared to other crimes of violence.”¹¹⁹ In addition, Sarah Mervosh argues that there is “an added layer of victim blaming in domestic violence relationships because the abuse happens over many months and years in what people view as a consenting adult relationship.”¹²⁰ Domestic violence is thus in every sense of the word “domestic,” a more private

¹¹⁸ Melissa W. Wright, “The Dialects of Still Life: Murder, Women, and Maquiladoras,” in *Women and Migration in the U.S.-Mexico Borderlands: A Reader*, eds. Denise A. Segura and Patricia Zavella (Durham, North Carolina: Duke University Press, 2007), 200.

¹¹⁹ Jenny Rivera, “Domestic Violence Against Latinas,” in *The Latino/a Condition: A Critical Reader, 2nd Edition*, eds. Richard Delgado and Jean Stefancic (New York: NYU Press, 1998), 520.

¹²⁰ Sarah Mervosh, “Domestic Violence Awareness Hasn’t Caught Up with #MeToo. Here’s Why,” *The New York Times*. October 16, 2018.

[https://www.nytimes.com/2018/10/16/us/domestic-violence-hotline-me-
too.html?partner=applenews&ad-
keywords=APPLEMOBILE®ion=written_through&asset_id=100000006163803](https://www.nytimes.com/2018/10/16/us/domestic-violence-hotline-me-too.html?partner=applenews&ad-
keywords=APPLEMOBILE®ion=written_through&asset_id=100000006163803).

matter that does not have the same credence even in the culture of reporting abuse and assault on a public scale. Deborah Anker states:

[o]ne of the most visible and dynamic areas of refugee case law now emerging is focused on family violence. However, this subject remains on the margins of human rights law, even though family or domestic violence is the most pervasive form of violence against women. In cases of violence by husbands and male domestic partners, questions of state protection are especially complex, since they involve different levels of interweaving responsibility and enabling of the ‘private’ harm by the state.¹²¹

Domestic violence comes with complexities of blame and ignorance of the facts. If the abuse is not obviously physical, it is hard to prove and harder to see the intense harm. There are important nuances to consider in relation to analyzing views regarding domestic abuse in Mexican culture. Rivera explains these by stating that “[t]he Latino community has not yet begun to develop a comprehensive strategy to end violence within itself. This failure reflects more than mere oversight.”¹²² Rivera continues “...demands for a community response to the violence have been met with insistence that such issues are private matters that cause division within the community and impair the larger struggle for equality...[t]hese are not private matters-just as the lack of adequate health care, education, and living wages are not.”¹²³ These difficulties, coupled with the challenge of how the public even understands an undocumented woman’s experience with domestic abuse, showcase how important it is for the community at large to fully cooperate and support someone who has been a victim for there to be any chance of change.

¹²¹ Deborah Anker, “Refugee Law, Gender, and the Human Rights Paradigm,” in *Passing Lines: Sexuality and Immigration*, eds. Brad Epps, Keja Valens, Bill Johnson González (Cambridge, MA: Harvard University Press, 2008), 116.

¹²² Jenny Rivera, “Domestic Violence Against Latinas,” in *The Latino/a Condition: A Critical Reader, 2nd Edition*, eds. Richard Delgado and Jean Stefancic (New York: NYU Press, 1998), 521.

¹²³ *Ibid.*, 521-522.

The visibility of immigrants is also something worth exploring because of the very real threats of deportation that discourage immigrant women from reporting. As I state previously in this thesis, the risk of deportation when a woman reports a crime is high. Luibhéid discusses the ways that abusive partners or husbands threaten to contact ICE if a woman resists abuse. Luibhéid reiterates the vulnerabilities of undocumented women by stating that “[u]ndocumented status renders women vulnerable to sexual abuse not just in the workplace but also in their homes and personal relationships.¹²⁴ In situations where a woman’s partner is documented, “[a]busive partners or husbands routinely threaten to call the INS if undocumented women resist their abuse. Even women who legally migrate to the United States as spouses are vulnerable to such abuse, because they are dependent on their husbands for legal status.”¹²⁵ This dependency of having a partner with the proper paperwork to defend themselves, comes with a multitude of difficulties. In fact, this power dynamic may be part of what leads to abuse in the first place. As the 1980s-1990s progressed, fears of actual deportation increased exponentially. Sarah McKinnon explains:

[b]y the late 1980s and early 1990s the courts began to hear cases on the basis of past and (anticipated) future persecution, including rape and sexual assault by police officers, military, family members, and strangers; intimate violence; institutionalization for being gay or gender nonconforming; genital cutting; electroshock therapy; psychological and/or emotional torture; sterilization; forced abortion; and threats to life among other experiences—all of which challenged the gender neutrality that was supposedly present in the formulation and implementation of the 1980 system for managing refugees and asylum seekers in the United States.¹²⁶

¹²⁴ Eithne Luibhéid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota, 2002), 132.

¹²⁵ *Ibid.*, 132.

¹²⁶ Sarah McKinnon, *Gendered Asylum: Race and Violence in U.S. Law and Politics* (Chicago: University of Illinois Press, 2016), 10.

With more refugees and immigrants coming forward stating the abuses they faced, this did make victims feel their stories were valid. However, the consistent fear that an immigrant woman would be deported because of her lack of citizenship status did not necessarily alleviate pressures of reporting abuse. It was still possible for immigrant women to be deported which was a reality that immigrant women were privy of even after reporting.

The threat of deportation is continuously viewed by U.S. citizens, and some Mexican immigrants, as the only form of punishment when discussing crimes that are committed against immigrants. There is an idea being that being returned to one's own country is a punishment. If anything, it brings up actual danger for an immigrant woman's status in the United States and potential threats in their country of origin by coming forward with a situation of assault or abuse. Not everyone comes to the United States by choice, sometimes the situations that occur in someone's home country create a barrier of belonging anywhere. Being in the United States is sometimes not the end goal but a solution to a problem in the moment. Immigrant women oftentimes keep a transnational relationship with Mexico, by sending money or having contact with family, which goes against the narrative of the United States that claims that one must depart from their country of origin in order to be fully accepted as an American.

One case that exemplifies this challenge is *Hernandez v. Ashcroft*. Laura Luis Hernandez, who was living in Mexico, experienced life-threatening abuse by her husband, who was a legal permanent resident of the United States. Hernandez left the United States, tracked her down and promised to not abuse her again. Hernandez returned to Mexico where the physical abuse happened again. The abuse included lifting her by her hair to throw her forcefully against a wall, breaking a chair across her back, and smashing a pedestal fan over her head in different instances. Hernandez managed to escape her husband permanently and tried applying for

suspension of deportation under VAWA. However, the Board of Immigration Appeals (BIA), denied Hernandez's request because Hernandez "had not been battered or subjected to extreme cruelty in the United States."¹²⁷ This shows that the effects of deportation in regard to how the case was brought to court led to a woman's deportation. This pointedly emphasizes the very real fears that a woman would have reporting their abusive situation.

In Jennifer Hirsch's study of generational and migration-related changes in relationships between Mexican men and women, she explains the reality men know to be true:

[m]en say that one reason Mexican women have more power in the North is that a man cannot hit his wife without the government interfering. In contrast to Mexico, where police are reluctant to intervene in cases of men's violence toward their wives or parents towards their children, Mexicans-whether or not they live in the United States-know that in the United States help is literally a phone call away.¹²⁸

While this may be the case, it is not necessarily easier to report abuse from the perspective of the victim. As stated in Chapter 2, immigrant women can rely on their community in situations of settlement and protection. However, there is a chance that it can be detrimental especially in situations of abuse. Pierrette Hondagneu-Sotelo explains that the "the absence of a significant representation of Mexican immigrant women in the United States denied them more or less dependence on male kin, especially spouses."¹²⁹ Men have their own vulnerabilities in the United States in regards to abuse and have an idea that "domestic violence does take on a new meaning in the United States, and the U.S. legal system-combined with the legal vulnerability of many

¹²⁷ *Hernandez v. Ashcroft*, No. 02-70988 (2003).

¹²⁸ Jennifer Hirsch, "'En El Norte La Mujer Manda:' Gender, Generation, and Geography in a Mexican Transnational Community." *American Behavioral Scientist* 42 (1999): 1342.

¹²⁹ Pierrette Hondagneu-Sotelo, "Overcoming Patriarchal Constraints: The Reconstruction of Gender Relations Among Mexican Immigrant Women and Men," *Gender and Society* 6, no. 3 (1992): 405

Mexicans who live in fear of deportation-gives women important leverage.”¹³⁰ Being isolated and/or uninformed of the law ensures that women continue to be repeatedly controlled by their abuser. “Under these conditions, direct resistance resonates with meaning; just because a woman lives in a country in which the police will respond to her call does not make it easy to pick up the phone.”¹³¹ It is crucial to understand these limitations to be able to conceptualize the difficulties one’s immigration status makes with an abusive situation.

Silencing of immigrant women, at a base level, comes from the fear and threat of their attacker. I argue that silencing comes from the fact that immigration laws generalizes undocumented women as criminals, which makes it more difficult to make oneself visible when abuse occurs. It also makes it impossible to have situations be individualized. As the following chapter will show, being able to defend oneself with the resources that are available requires additional support. As indicated in Chapter 2, there is something positive about utilizing those in one’s community, especially when there is feeling of being overwhelmed in a new country. However, I argue there are still difficulties in reporting due to the involvement of the community who can potentially silence an immigrant woman’s abuse to protect the group. Organizations, activists, community members, and immigration lawyers are the contacts in which a woman can find what she needs to secure their selves and their families.

¹³⁰ Jennifer Hirsch, “En El Norte La Mujer Manda: Gender, Generation, and Geography in a Mexican Transnational Community.” *American Behavioral Scientist* 42 (1999): 1342-1343.

¹³¹ *Ibid.*, 1343.

Chapter 4: Activism of Immigrant Women and the Limitations of Organizations

The limitations undocumented immigrant women face stem from the lack of protections provided by resources that are entitled to U.S. born citizens. As a result, immigrant women need to utilize other sources for protection. This chapter will discuss the ways in which different organizations represent and attempt to defend immigrant women. Though it is crucial to understand what resources these organizations afford undocumented immigrant women, it is also necessary to understand where the organizations are lacking in providing services to victims of abuse. Since immigrant women do not usually represent themselves in court, organizations are beneficial when it is necessary to take an abuser or assaulter to court. Insight garnered from different organization leaders provides a deeper understanding not only of the ways that organizations support women, but also of what restrictions arise in providing that support.

Regardless of the rhetoric that surrounds immigration policy, the federal government still has an interest in providing protection against discrimination. The EEOC was created in 1965 as a result of the federal government's involvement in protecting those who had been discriminated against at their place of work. With the implementation of Title VII in 1991, the EEOC became a pivotal resource that immigrant woman utilized to be represented in higher courts.

Title VII made it illegal to discriminate against a job applicant or an employee on the basis of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information. More importantly, it is also illegal to retaliate against a person who has complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. In theory, this should alleviate the fear immigrants have of reprisals, and the resultant visibility that could lead to potential deportation.

Changes in the way the EEOC represents clients have evolved since the agency's inception; this includes the federal governments susceptibility to shifts in regulations. As examined by numerous lawsuits, the issue of sexual assault and the vulnerability of immigrants is a prominent one. The court case that opened this thesis, *EEOC v. Harris Farms*, reveals how the EEOC has been utilized to defend the most vulnerable of society. This is also exemplified in the following cases:

-*EEOC v DeCoster Farms* alleged that the defendants allowed sexual harassment of female employees. The defendants had to pay \$1,525,000 in damages and costs, revise and distribute anti-harassment and discrimination policies.¹³²

-*EEOC vs. Tanimura & Antle* reached a \$1,855,000 volunteer settlement on behalf of two female employees who were allegedly subjected to sexual harassment and retaliation¹³³

-*EEOC v Favorite Farms*,¹³⁴ the EEOC defended Eulalia Salazar-Santiago¹³⁵ who claimed that a Favorite Farms' employee, Hector Cruz, subjected her to unwelcome sexual comments, forcible physical contact, and rape.¹³⁶

In each of these cases, the victims of the crimes were Mexican women who were threatened with different consequences including their status as immigrants, their language barriers, and for some the limited options available to them for work. The abuse and assault

¹³² *EEOC v. Austin J. Decoster*. 3:02-cv-03077-MWB (2002).

¹³³ *EEOC v. Tanimura & Antle, Inc.*, C99-20088 JW (1999).

¹³⁴ This case happened after 2016, after the time frame that this thesis covers.

¹³⁵ *EEOC v. Favorite Farms, Inc.*, 8:17-cv-01292 (2017).

¹³⁶ An interesting part of this case was that it was unclear if Salazar-Santiago received and understood the anti-harassment policy since Salazar-Santiago only spoke Mixteco, an indigenous language of Mexico. This could mean that she did not fully understand the company's policies and how to defend herself against abuse.

Mexican women face come from the reality of these limitations. These limitations are further exacerbated with the inability of some women to represent themselves in court individually. The EEOC counters that difficulty by providing a resource to women to find legal representation in court.

It is important to note that since the agency relies on federal funding, modifications to government operations can affect an immigrant woman's ability to be represented in court.¹³⁷ As such, the ways in which victims report a crime can become even more restrictive. Immigration policy continues to be a hot-button topic and it is perpetuated with the politicians in office who take advantage of the hostility from the American public. For example, President Trump specifically uses this disdain towards immigrant communities to continue to further his xenophobic agenda of returning America to a false place of security which in turn restricts the protections that could help immigrant communities.

Due to the obstacles listed above, the EEOC uses its federal funding and its representation to stand up for those with limited resources. The case of the *EEOC v. DeCoster Farms and Iowa Ag. L.L.C* provides an example of the barriers faced by immigrant women. The Iowa Coalition Against Domestic Violence (ICADV), which seeks to support victims of crimes, worked with the EEOC to represent female employees from Austin J. DeCoster Farms and Iowa Ag. L.L.C. The victims included eleven Mexican women, some of whom were undocumented, who “were repeatedly raped by co-workers and supervisors and had little recourse as they were

¹³⁷ In 2019, due to the government shut down, the EEOC was not able to take on clients, providing an example of the added difficulties that lay ahead for undocumented women or women of lower socio-economic status who would not be able to find a lawyer.

threatened with termination and deportation if they complained.”¹³⁸ In this case, the EEOC sought to utilize Title VII’s protections prohibiting employers from discrimination against employees on the basis of sex, and effectively expanded Title VII’s protections against retaliation of the accuser to include that person’s citizenship status. Using this line of argumentation, the EEOC was able to reach a final settlement of \$1.5 million. Though DeCoster agreed to implement training of employees about sexual assault and appropriateness in the workplace, DeCoster continued to deny the allegations and no criminal charges were brought against the supervisors.¹³⁹

It is imperative to acknowledge that while the EEOC won the settlement in defense of immigrant women, the DeCoster Farms employees were not punished. The case states that “the parties have agreed to this Consent Decree to reach an amicable resolution of their disputes and to avoid the cost and investment of time in litigation.”¹⁴⁰ This showcases that while the legal defense has represented these women in court, the parties reached a conclusion that does not fully amend the damage that was done, due in part to the high cost of litigation.

As such, the cost of litigation is often a crucial consideration in determining whether or not a woman can even report cases of abuse. Another national organization is the Tahirih Justice

¹³⁸ William Tamayo. “Rape, Other Egregious Harassment, Threats of Physical Harm to Deter Reporting, and Retaliation.” *American Bar Association 5th Annual Labor and Employment Law Conference* (2011).
https://www.americanbar.org/content/dam/aba/administrative/labor_law/meetings/2011/ac2011/036.authcheckdam.pdf.

¹³⁹ Bob Link, “DeCoster Settles Rape, Sex Suit.” *Globe Gazette*, October 1, 2002.
https://globegazette.com/news/local/decoaster-settles-rape-sex-suit/article_36a24bf5-c029-5e91-b012-1eea75e244a1.html.

¹⁴⁰ *EEOC v. Austin J. Decoster d/b/a Decoster Farms of Iowa, and Iowa AG L.L.C.* 3:02-cv-03077-MWB (2002).

Center,¹⁴¹ which specifically serves to work with women and girls who face violence. The Center employs lawyers who protect immigrants using U visas and VAWA petitions.¹⁴² Although the cost is high, the organization has attorneys that work in a Pro-Bono Network.¹⁴³ The Center's acknowledgment of the expense of litigation as a constraint to immigrant women is a positive step in helping those women overcome those barriers. This is crucial in a community of immigrants who rely on word of mouth to find out what services are available. One woman may tell another that the service is paid for and this could potentially lead to more women stepping forward to report abuse.

The Tahirih Justice Center serves women and girls who have immigrated to the United States, with 70% of clients fleeing gender-based violence that occurred on U.S. soil.¹⁴⁴ The diverse backgrounds of the clientele add an additional challenge in offering adequate protections and provide perhaps the clearest example of the language barrier as a limitation. A testimony on their website states, "My last hope was to flee to the United States. I crossed the border with my baby. We were arrested and sent to a detention center in Texas. I was so scared. Everyone spoke Spanish. I don't speak much Spanish. I'm from a small town in Guatemala where we speak Mam.¹⁴⁵ I couldn't find the words to tell my story."¹⁴⁶

Through protecting immigrant women and girls who live in the United States, the organization has a legitimate claim to legal services under U.S immigration law. There are locations in Baltimore, Washington D.C., Houston, San Francisco, and Atlanta. This wide range

¹⁴¹ Named after Tahirih an exemplar of women's strength in Persia

¹⁴² For explanations of U Visas and VAWA petitions, refer to Chapter 1.

¹⁴³ Tahirih Justice Center, <https://www.tahirih.org/who-we-serve/>.

¹⁴⁴ Ibid.

¹⁴⁵ A native Mayan language.

¹⁴⁶ Tahirih Justice Center, <https://www.tahirih.org/who-we-serve/>.

of locations alleviates another barrier, that of geographical access to resources. The geographical limitations placed on undocumented immigrant women are multifaceted. These include the proximity to the abuser, cost of transportation, and the burden of having to bring young children to meetings with lawyers.

The efficacy of these organizations' in terms of their ability to respond to these restrictions is measured first in the organizations' acknowledgement of the limitations. The Refugee and Immigrant Center for Education and Legal Services (RAICES) is a national organization that examines the needs of immigrants across multiple states and utilizes all of its entities to support immigrant communities in different locations. Jennifer de Haro, an immigration lawyer based out of the RAICES offices in the Fort Worth/Dallas area of Texas, details some these limitations:

There are a lot of barriers. For example, having children means having to bring them to the meetings with the attorneys. It makes it hard to focus. Few don't have children. It's also hard to find and access transportation. The process requires frequent meet ups to prepare documents and that's difficult to do.

These limitations need to be understood when evaluating whether or not these organizations are taking into account the variables that affect their clients' lives. RAICES was founded in 1986 by community activists in South Texas, and includes a staff comprising 130 attorneys and legal assistants that provide consultations, direct legal services, representation, assistance, and advocacy to communities nationwide.¹⁴⁷

RAICES, now the largest immigration service in Texas, serves a variety of groups, including asylum seekers, adult victims of crime, and DACA (Deferred Action for Childhood

¹⁴⁷ RAICES, <https://www.raicestexas.org/about/>.

Arrivals) recipients, with 60-70% of clients speaking Spanish.¹⁴⁸ Based in Austin, Texas, but with locations in various cities around the country, RAICES covers a broad range of immigrant statuses, offering a more holistic approach in meeting the needs of the clientele. This, however, poses its own challenges. The broadness of the approach does not always address specific community concerns. De Haro explains:

The macro-system in general has been a problem. In the past couple of years, the anti-immigration sentiment has been a challenge. Clients understand/perceive it. They question if they even want to be in the United States. They're scared and worried.¹⁴⁹

One such community specific concern revolves around the difficulty in reporting abuse against a perpetrator who may themselves be an immigrant. De Haro explains “[t]here is a fear of what will happen to abusers and whether a spouse will be removed if they’re undocumented. This makes it difficult to explain to their children.”¹⁵⁰ The difficulties that come as a result of reporting that can be detrimental and damaging to the safety of the family as a unit, and national organizations may not necessarily be best equipped in addressing these concerns.

Examining the ways local organizations support immigrants is thus a better comprehension of immigrant women in local communities. In Texas specifically, local organizations are often best able to serve the immigrant community, especially the most vulnerable. Local communities provide a more detailed look at how immediate services are utilized at the local level. The P.E.A.C.E. Initiative in San Antonio, Texas focuses on involving law enforcement in supporting and collaborating with immigrant victims of abuse. The

¹⁴⁸ Jennifer de Haro, phone interview with author, Yonkers, February 4, 2019.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

P.E.A.C.E. Initiative (Putting an End to Abuse through Community Efforts) was established in 1990 under the Roman Catholic Order of Benedictine Sisters to address the issues of domestic violence impacting San Antonio. By advocating for how city dollars are spent in terms of effective response from community agencies, the organization works to improve the criminal and civil responses to domestic violence¹⁵¹ and challenges law enforcement when they form departmental policy in response to family violence calls, with attention to women who suffered abuse.

The organization creates a space that connects victims with law enforcement, which is a difficulty in itself. The relationship between law enforcement and the immigrant community is one based on distrust and can thus be contentious. Executive Director of The P.E.A.C.E. Initiative, Patricia Castillo explains:

women are going underground. Afraid of reporting...[there is] decline in assault reports to the Family Justice Center and the Battered Women's Shelter.¹⁵²

Though these difficulties manifest themselves at the local level, they can sometimes be taking cues from nationwide rhetoric. Castillo explains “[a]t one point, police said they didn’t care about a person’s legal status. Before Trump coming into office... [immigrants] were at least a little more comfortable coming forward. Now, not so much.”¹⁵³ The changes in administration practices create an additional divide between those seeking assistance and those who prefer to keep their abuse hidden. San Antonio, though close to the U.S./Mexico border and an important

¹⁵¹ The P.E.A.C.E. Initiative, <http://www.thepeaceinitiative.net/history>.

¹⁵² Patricia Castillo, phone interview by author, San Antonio, December 27, 2018.

¹⁵³ Patricia Castillo, phone interview by author, Yonkers, August 20, 2018.

location for immigrants in Texas, is not necessarily as responsive to immediate changes in border policy. This is not always the case in other parts of Texas.

In El Paso, Texas, a location two miles from the U.S./Mexico border, the Las Americas Immigrant Advocate Center serves the legal needs of low-income immigrants, including refugee and asylum seekers, victims of crime, and families seeking reunification. Christina Garcia, CVP Director of the organization, confirms the difficulty in the changes between administrations and immigration policy, stating “one administration has the power to choose which congressional acts they want to respect and which ones they don’t.”¹⁵⁴ Responding to these changes underlines Las Americas’ difficulty in trying to get the best resources for their clients.

The organization serves “a combo of men and women. The majority of victims are women but there has been an increase of men and those in same-sex relationships.”¹⁵⁵ Though Las Americas works diligently to provide resources to the community, even when a client gets the resources they need, problems can arise. Garcia explains that “[t]here is a huge level of trauma even after people obtain status. Immigrants don’t consider themselves clients.”¹⁵⁶ The idea that immigrants feel a disconnect even from the resources available is compounded by El Paso’s proximity to the border, with those outside the city limits being the most vulnerable:

There was no agency in the rural area but now there is the Texas Civil Rights Office and that’s the only one to help those in *ranchos*. In El Paso, not even 100 miles out, there are border checkpoints. Those in El Paso area are confined. Those right outside checkpoints can’t get legal representation.

¹⁵⁴ Christina Garcia, phone interview by author, Yonkers, February 8, 2019.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

Still, lawyers and advocates are committed to providing legal representation to those who otherwise would not be able to access it. Although the immigrant community can distrust lawyers as much as they distrust law enforcement, the emphasis with this organization is on community outreach in an effort to bridge that distrust. The advocates try to find ways to help immigrants become more self-sufficient members of society. Garcia states that the “emphasis is that there is a community” and clients rely on “word of mouth” from other immigrants in the community.¹⁵⁷

The tension between immigration policies at the local and national levels is somewhat alleviated when issues identified at the lower levels become recognized at the higher levels. The Migrant Center for Human Rights, located in San Antonio, Texas, assists the immigrant and migrant community by providing information to those who are trying to better serve immigrant communities on a national level. The Migrant Center conducts a multitude of research initiatives intending to support immigrants, and then carries out the more difficult tasks based off that research. These includes preparing asylum interviews, writing declarations, preparing to present testimony in court, and writing appeals.¹⁵⁸ The organization primarily works with asylum seekers, but also with those trying to get U visas and provides the research to explain how U visas can be improved.

Some advocacy groups claim to help immigrants regardless of their documentation. However, sometimes documentation is a factor that determines if an immigrant will get the help they need. More to the point is how many resources immigrants can access, and how those resources can then be utilized. If the access or utilization of those resources is in any way

¹⁵⁷ Christina Garcia, phone interview by author, Yonkers, February 8, 2019.

¹⁵⁸ The Migrant Center for Human Rights, <https://migrantcenter.org>.

limited, either by funding or location, a culture of silence surrounding abuse is reinforced. Working with an organization allows an immigrant to access and utilize the resources they need, but the added visibility still exposes them to potential deportation. Documentation is an important aspect of the way immigrant women can be protected. This chapter indicates how important it is for immigrant women to utilize the support of multiple organizations and how policy is advocated for on a local and national level. This fosters new discourses for immigrants that empowers them to defend themselves, no matter the circumstance. While there are limitations of these organizations, some come from national rules that cannot be immediately changed, I argue that the more resources immigrant women have, the less suffering in solitude can exist.

Conclusion

The different aspects of the immigrant experience create a legal culture that makes even the motion of stepping forward to report abuse difficult. As immigration law continues to change, taking into account the lives of immigrant women and the specific challenges they face will remain crucial. While services are available, the law does not clearly indicate that undocumented women are eligible or able to easily access resources. When dealing with issues of abuse, this is especially grievous. For some it will be easier to handle situations themselves, but for those who vocalize their abuse, being met with doubts and lack of support is a reality they will need to face. The added pressures of not having the proper documentation makes reporting that much more difficult. More concerning, if the accused is another immigrant, this can perpetuate the stereotype that as a whole immigrant groups act criminally, and thus are undeserving of protection under the law.

In the last thirty years, the reports of sexual assault and domestic abuse of Mexican women have been limited, yet volatile. Undocumented women are inundated with the persistent rhetoric of labeling immigrants as criminals. Sexual assault reports have showcased patterns of trauma and stress within immigrant communities. The violence exhibited to this more vulnerable portion of the population cannot be separated from the effects of the changes in U.S. immigration law.

Domestic abuse reports, while revealing nuances that are not necessarily depicted in court records, come with their own set of stigmas and limitations. Distrust of law enforcement and legal representation can make immigrant victims of abuse unwilling to be forthcoming about the details of their experiences and examining their cases can thus prove difficult. Reports of abuse have been decreasing. This can falsely lead one to presume that problems are being solved, and

cases of abuse are happening at lower levels. However, a thorough understanding of the difficulties that are promoted by an administration that exhibits anti-immigration rhetoric suggests that the incidents are not being solved, but rather are simply underreported. In this light, the decrease in reports is in fact distressing.

As indicated in the crux of this thesis, the fear of reporting is a real one. Shirley Lin indicates this difficulty:

Legal discussions about immigration often splinter into narrow sub-topics, particularly if one distinguishes the situations of the undocumented, immigrants with visas, and legal permanent residents, all of whom are non-citizens. Practically speaking, however, all non-citizens face considerable barriers that citizens do not, such as the risk of deportation, and have limited recourse in challenging violations of their rights, leading to further disenfranchisement.¹⁵⁹

When one does not understand the particular needs of immigrants, it becomes all but impossible to understand the barriers these immigrants face. As Sara Ramey of the Migrant Center explains, “You can think of you or me or any educated adult, if we went to a new country where we didn’t speak the language and we didn’t know the legal system, we would be equally lost.”¹⁶⁰ If one understands that limitations in the law are the reason immigrants have such a hard time coming forward, then there is a better possibility for ameliorating those limitations in the future.

Brad Epps, Keja Valens, and Bill Johnson González explain that “[t]he immigrant’s attempts to go unchecked and unnoticed, to be seen as not particularly worthy of being seen or, alternatively, as worthy of being seen *only* as a proper citizen or potential citizen, is the

¹⁵⁹ Shirley Lin, “And Ain’t I A Woman?": Feminism, Immigrant Caregivers, and New Frontiers for Equality,” *Harvard Journal of Law & Gender* 39 (2016): 69.

¹⁶⁰ Silvia Foster-Frau. “Head of San Antonio Nonprofit Protects Asylum-Seekers Crossing the U.S.-Mexico Border,” *San Antonio Express News*, December 16, 2018. https://www.expressnews.com/business/business_columnists/texas_power_brokers/article/Head-of-San-Antonio-nonprofit-protects-13467435.php#photo-16656558.

counterpoint of governmentally supported attempts to monitor, question, identify, and ‘know’ those who enter, or would enter, and stay, or would stay, in the country.”¹⁶¹ The visibility necessary to demand your needs be met is, paradoxically, the very thing that makes immigrants most vulnerable, and thus least likely, to get their needs met.

Carrie Rosenbaum discusses how “alien” immigrants are viewed and therefore disbelieved by stating “[b]ecause an arriving alien is not admitted or paroled, even if actually, physically in the United States, they are treated differently and with less protections than someone who has been inspected and admitted or paroled in.”¹⁶² Immigrant women recognize this and understand how this perception of them can be used against them. It is another reason why there is a need to conceal oneself if documentation is not there to protect oneself. As Luis Alberto Urrea argues, “the law forces undocumented people to live in a state of permanent anxiety...[b]ut the undocumented are not...per se criminals no matter how much we treat them as such.”¹⁶³ The laws governing abuse reporting oftentimes do not adequately address the trauma that comes with abuse, and the difficulty that trauma causes in reporting said abuse.

When a woman reports abuse, a detailed description is needed. If a woman is unable to come up with a report that is secure enough to be consistently retold, this calls the woman’s credibility into question, and causes the courts to assume a woman is invalid in her reporting. This is stacked against a woman who is a U.S. citizen, and much more so when the woman is an immigrant who has already been determined to be a criminal of the United States. If a woman

¹⁶¹ Brad Epps, Keja Valens Bill Johnson González, eds., *Passing Lines: Sexuality and Immigration* (Cambridge, MA: Harvard University Press, 2008), 5.

¹⁶² Carrie Rosenbaum. “Immigration Law’s Due Process Deficit and the Persistence of Plenary Power.” *Berkeley La Raza Law Journal* 28, no. 6 (2018): 122.

¹⁶³ Luis Alberto Urrea, “All Stories Are Refugees from Dangerous Lands,” in *Underground America: Narratives of Undocumented Lives*, ed. Peter Orner (San Francisco, CA: McSweeney’s Books, 2008), 9.

does not even speak the same language as her lawyer, the danger of misrepresentation is exacerbated. By reporting, an immigrant woman takes the risk of being more vulnerable to deportation.

The consequences of reporting are numerous, as discussed by Jennifer de Haro and Christina Garcia. Whether a deep fear of losing family members, jobs, or the support of one's community, reporting does not guarantee security. In fact, it can often undermine what shaky sense of security an immigrant woman already feels. It is imperative that an understanding of the difficulties immigrants have, even after reporting, also acknowledges the ways in which reporting affects the day to day lives of the victims. Even after reporting, if a woman is undocumented, her options are limited. She may go through the steps to become documented, but it does not assure safety in the long run. Understanding these complications creates a more nuanced view of the difficulties immigrant women face.

Hiroshi Motomura discusses the dynamics of reporting and the eventual steps taken to become legalized:

Some observers have criticized what they call a trend to legalize and offer lawful permanent resident status only to those who match up with some image of stereotypical victims...asylum seekers, and other unauthorized migrants who seem virtuous or vulnerable enough, or whose protection serves law enforcement or other goals, can shed the illegal label and become lawful permanent residents. One analysis found that since IRCA was adopted in 1986, over one million persons have become permanent residents of the United States through legalization programs other than the two programs in IRCA.¹⁶⁴

As crucial as it is for legal representatives to be able to showcase their clients as true victims of a crime, painting them exclusively as victims is debilitating, depriving them of any sense of self-

¹⁶⁴ Hiroshi Motomura. *Immigration Outside the Law* (New York, NY: Oxford University Press, 2014), 196-197.

worth or strength. Though it may ultimately benefit the client, it creates a perception of dependency and victimhood. Human rights organizations rely on the image of the damaged, submissive victim for different reasons. With regards to the discussion of immigration, it can be a debilitating image that leaves immigrants more vulnerable than protected.

The threat of deportation increases the riskiness of reporting crimes. Roberto G.

Gonzales argues:

[u]nlike citizens, immigrants facing deportation do not have the right to a trial by jury or to an appointed counsel, calling into question whether a fair and balanced hearing is even possible. Both the increased number of immigrants deported and changes in due process highlight another important aspect of deportability: the threat of deportation serves to sustain immigrants' vulnerability and tractability.¹⁶⁵

Reporting abuse is a right afforded to U.S. citizens, but if reporting abuse comes with the risk of being deported, it creates a trap that cannot easily be overcome.

Changing the negative rhetoric immigrants face helps create a way for women who report abuse to potentially feel they have a place that will take their reports seriously, and that reporting will not endanger their livelihood. As showcased in conversations between organization leaders and immigrants, Christina Garcia states “some clients will say, ‘If I report or don’t report, I don’t have any protections. What system do I have to protect me? What resources?’”¹⁶⁶ This is critical when considering that even the resources that are available do not necessarily ensure that a victim feels a sense of security. In order to truly accommodate the needs of immigrant women, there must be attentiveness to the ways that immigrants feel neglected. This feeling of neglect is

¹⁶⁵ Roberto G Gonzales, *Lives in Limbo: Undocumented and Coming of Age in America* (Oakland, California: University of Oakland Press, 2016), 185.

¹⁶⁶ Christina Garcia, phone interview by author, Yonkers, February 8, 2019.

not solved solely with resources that are available, so a more thorough understanding of these feelings creates a more informed society of immigrant advocates and community members.

It is not a simple action to come forward and report abuse, so any method by which this is done is a difficult one. However, creating an environment that supports victims who have been abused, regardless of their citizenship status, is a way to find a solution. The likelihood of this is low. As stated in this thesis, the way immigrants have been historically discussed has created a separate class of people whom have not been afforded protections under the law.

Law enforcement and the promise of protection is what the U.S. relies upon as an objective sense of justice. The idea is that the legal system will see past rhetoric and subjectivity to derive a true sense of fair and equal results. However, history has shown that the most marginalized are usually the ones who suffer the most through the courts. Detention centers hold large numbers of undocumented men and women, and many of those women in these centers continue to suffer as a result of their status. An example is in the case of Laura Monterrosa-Flores and S.G.S.¹⁶⁷ at the Hutto Detention Center in Tyler, Texas. Ms. Monterrosa and S.G.S both suffered sexual abuse at the hands of detention center guards.¹⁶⁸ This detention center, which is meant to be barrier to protect U.S. citizens, destroys the protections of immigrant women. It is important to recognize that even when the courts are meant to be the punisher of injustice, the systems behind it are often skewed.

¹⁶⁷ Victim did not want to reveal her name.

¹⁶⁸ Celina Moreno, Secretary Kirstjen Nielson, General Jo https://www.maldef.org/wp-content/uploads/2019/01/2018_06_26-Final-PREA-Complaint.pdfhn Kelly, Officer Cameron Quinn, Director Claire Trickler-McNulty, Director Daniel Bible, June 26, 2018. https://www.maldef.org/wp-content/uploads/2019/01/2018_06_26-Final-PREA-Complaint.pdf.

The rhetoric of the Trump administration will show effects years after this thesis is complete. Attention must be paid to how immigrants' lives are scrutinized, regardless of which political party is in office. The demonization of immigrants as unworthy of protections and deserving of the negative actions that befall them makes for a demoralizing government. It also skews the way the courts are utilized. The law is meant to protect all; however, this is not the case. The law is not blind, and it does not protect the most vulnerable people the way that it claims. The changes in policy from one administration to another are important to note. It is the responsibility of an administration in power to be sure they are providing for the needs of the immigrant community. What this current administration has displayed is a lack of compassion and an irrefutable disregard for the lives of the country's most vulnerable people. By not taking responsibility, the administration is essentially reinforcing the violence that occurs.

Imagine what the U.S. would be like if laws protected everyone, regardless of how they arrived. This can seem farfetched considering the history of immigration policy. We live in an unprecedented time where global inequality results in more people migration and as a result, barriers to them being able to settle in their new homes and be successful have increased exponentially. My discussion of laws has shown that how people are defined changes based on the values and whims of society. My thesis has revealed that there are negative consequences for immigrant women whose only crime is that of trying to seek a better life in an unjust global economy. The myth of America with open arms and as a 'land of immigrants' is a façade, and one that negatively affects immigrants every day. The way to ensure that immigrant women are truly welcomed members of society is to provide them with the dignity, respect, and protections regardless of their citizenship status.

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