

Impact of domestic violence on immigrant survivors & their children.

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TOPICS

- ❖ Domestic Violence among Immigrants
- ❖ Barriers and Protective factors
- ❖ South Asians in the US
- ❖ Transnational Marriage Abandonment
- ❖ Impact of DV on immigrant children

Locating Myself

- ❖ Immigrant in the U.S.
- ❖ Researcher
- ❖ Social Work Educator & Administrator
- ❖ Therapist
- ❖ Wife & Mother



- ❖ Immigrants are 13.1% and 50% identify as women (Ziegler and Camarota 2015; American Immigration Council 2014)
- ❖ Prevalence of Domestic Violence (DV) among immigrant women is higher ranging from 24% to 60 %.
- ❖ Specifically, the rates have been as high as 48% among Latina immigrants (Dutton, Orloff, & Hass, 2000) and 40% among South Asians (Raj & Silverman, 2002; Mahapatra, 2012; Bhandari & Millner, 2022).

Barriers

- ❖ Triple jeopardy : Immigrant status, Women and abuse
- ❖ Racism and Xenophobia
- ❖ Linguistic and social isolation
- ❖ Patriarchal attitudes and traditional gender norms
- ❖ Latina DV survivors tend to underutilize services like shelter and the criminal justice system as compared to non-Hispanic White survivors
- ❖ In-Law abuse
- ❖ Cultural practices : Dowry
- ❖ (Rai & Choi, 2018; Sabri et al., 2019; Thapa-Oli et al., 2009; Sabina, Cuevas, Schally, 2011)

Protective Factors

- ▶ Laws and regulations in the U.S.
- ▶ Social support, help received from both formal and informal support systems
- ▶ Knowledge and access to resources, financial independence
- ▶ Belief in religion/faith, internal sources of strength and utilizing safety strategies
- ▶ Perception of more freedom
- ▶ Institutions and laws condemning DV
- ▶ Non- stigmatization of divorce

(Bhandari, 2024; Paat, 2014; Sabri et al; 2018).

South Asians in the U.S.

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- ▶ South Asians the second largest growing group (Budiman & Ruiz, 2021)
- ▶ 5.4 million South Asians in the U.S. (SAALT, 2019)
- ▶ Originally from India, Pakistan, Bangladesh, Nepal, Bhutan, Sri Lanka, the Maldives
- ▶ Twice Migrants (Bhachu, 1985)



SOUTH ASIA ON WORLD MAP



Immigration Trends in the US

- ▶ Earliest settlers – 1897-1924- Punjabi farmers and Bengali Muslims-
- ▶ Immigration halted- Immigration Act and Oriental Exclusion Act of 1924
- ▶ 1965- Immigration and Nationality Act – Ground Zero, 1960's-70's
 - ▶ Doctors, Engineers, Lawyers- triple selected
- ▶ 1980's- 90's –
 - ▶ Family Cohorts-
 - ▶ Blue collar workers-
 - ▶ Diversity Visa – countries such as Pakistan, Bangladesh, Nepal, Sri Lanka – admissions 50,000 or less in 5 year combined
- ▶ 2000's – Recent Migrants

Myth of the Model Minority

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- ▶ Model Minority – Japanese Americans – NYTimes article –William Petersen
- ▶ False Comparison
- ▶ Misconception about education and income
 - Indian Americans- 75% college-educated
 - Bhutanese Americans – 15% college ed
 - Poverty –Bhutanese- 13% above national average (Budiman, 2021)
- ▶ Denial of social problems

Prevalence of Domestic Violence in South Asian community in the US

- ▶ Mahapatra (2012) 38% - n=215 women
- ▶ Rai & Choi (2021)– n=468 South Asians
 - ▶ Physical violence (48%),
 - ▶ Emotional (38%),
 - ▶ Economic (35%),
 - ▶ Verbal (27%),
 - ▶ Immigration-related (26%),
 - ▶ In-laws related (19%), and ultimately sexual abuse (11%).
- ▶ Bhandari & Millner (2022) n=155; 31% experienced some form of Domestic Violence
- ▶ Lifetime prevalence ranges from 18% to 40% (Hurwitz et al., 2006; Soglin et al., 2020).
- ▶ Under-reported

What IS TRANSNATIONAL MARRIAGE ABANDONMENT ?

1. A non-resident South Asian man residing in the U.S. goes back to his country of origin to marry a woman there and promises to send immigration documents for his wife. The wife is left behind with the in-laws, and he returns to the U.S. He never sends the immigration and sponsorship papers, and the wife remains abandoned with the in-laws.
2. A married South Asian woman living in the U.S. is fraudulently coaxed to leave the marital house or leaves to protect herself from abuse and is not allowed back into the house.
3. A married South Asian woman is fraudulently coaxed or coerced to go back to her country of origin in South Asia or is sent there on a family vacation. Upon her arrival in her country of origin in South Asia, her immigration documents and tickets to return back to the U.S. are canceled.

"A]n individual left *without* resources by another on whom s/he is dependent for social and financial survival. In the South Asian context, abandonment would entail the endangering of a woman's **welfare, safety, and future prosperity**, particularly by her husband's design to thwart her access to legal recourses and by his deliberate attempt to deprive her of her rightful financial (marital) and social assets." (Rudra and Dasgupta 2011, p. 12)

TMA also happens in many other cultures

Turkish community in Denmark, who married women from Turkey but dispossessed or divorced her before the period to acquire a residency permit elapsed, forcing the women to return to Turkey (Liversage 2013)

Moroccan women in Netherlands (De Bree, Storms, & Btels, 2011) document how men withhold passports and resident permits from their wives while in Morocco, and return to the Netherlands alone.

- ❖ Many of the women's families have given large sums of dowry to the men, paid for their migration-related expenses, and been harassed continuously for more dowry at the threat of withdrawing visa-sponsorship of their daughters;
- ❖ Many of the women are divorced ex-parte in the U.S., without any legal representation; others believe they are still legally married;
- ❖ The majority of women are not aware of their husbands' current addresses, telephone numbers, and employment details. Thus, they have no way of contacting their spouses

- ❖ Most abandoned women live without any financial support from their émigré husbands. Their children are also deprived of child support from the fathers;
- ❖ Many women live in virtual servitude with their in-laws as their natal families are reluctant to have them return and refuse to financially support them after marriage (Rudra and Dasgupta 2011).

- ❖ Consider the case of an NRI who has filed for divorce in the U.S. from his wife who lives in India. Due to financial and visa restrictions, she is unable to travel from India to appear in a court in the U.S. and has no representation to protect her legal and financial interests. The husband receives an ex-parte decision where the wife receives no financial settlement or support.
- ❖ Undoubtedly, by the ex-parte decision on divorce wherein this woman could not protect her financial and other interests, the U.S. courts have, in effect, crushed her social, financial, and legal rights.

- ❖ In the U.S., because abandonment of adult women is not considered to be abuse, such cases wind down as simple divorce.
- ❖ If the woman is unable to appear in court to testify or ensure legal testimony in court, there are no special efforts expended to discover the circumstances of her absence.
- ❖ Even though there are variations in exigencies of laws by states, divorce is granted to anyone who seeks it; in this case, the husband

- ❖ The disparate laws of the two countries become apparent when a woman in India may have the courts approve her petition for the restitution of conjugal rights and the husband in the U.S., his country of residency, has been granted an *exparté* divorce.
- ❖ Furthermore, in the U.S., the wife may end up without any monetary awards and maintenance based on her non-participation in the proceedings.
- ❖ In contrast, PWDVA-2005 in India may award a woman maintenance, right of residence, and numerous other financial compensations, an order that may not be implementable in the U.S. at all.

- ❖ The Supreme Court of India has decreed that it is willing to accept divorce judgements passed in foreign courts.
- ❖ As a result, depending on the timing of the U.S. divorce decree, the Indian legal system may accept the foreign divorce and reject any lawsuit filed in its own legal system or any decision made after the ex-parte divorce decree in the U.S.

- ❖ When an Indian woman is abandoned by her spouse, it is with the intention of curtailing her access to legal and financial rights on his part.
- ❖ This deliberate action makes transnational abandonment an infringement of women's human rights.
- ❖ When violation occurs in transnational spaces in a systematic way, it needs to be responded to in a coordinated manner—by country governments, law enforcement agencies, judiciary, international bodies, law and policy-makers, advocates, social change makers, and non-state service providers

Practical implications for lawyers and judges

Abusive husband may never send the wife the divorce notice after abandoning her

If a lawyer representing the husband who has committed TMA discovers the client's falsehoods related to the abandonment, the lawyer may have an opportunity to uncover the abuse, and perhaps even has an obligation to do so.

Under the rules of professional responsibility, lawyers have a duty of candor toward the court and an obligation not to offer evidence the lawyer knows to be false to the court (American Bar Association, 2024).

When court officials see a divorce petition where the petitioner claims that a mother has voluntarily left her children to live in her country of origin, this should serve as a red flag to examine the facts more closely and require evidence of the wife's whereabouts and contact information.

A judge or court official who requires evidence prior to waiving a personal service requirement may uncover that the wife's departure was not voluntary, and courts can thereby attempt to ensure she receives notice and an opportunity to respond in the divorce case (Rudra & Dasgupta, 2011).

Immigrant Children in the US

- ❖ The population of immigrant children in the U.S. increased by 51% from 1994 to 2017, now comprising nearly 25% percent of all U.S. children (ages 0-18 years; Child Trends, YEAR).
- ❖ The majority of these children are second-generation immigrants (i.e., born in the U.S., with at least one parent born abroad).
- ❖ Out of the 19.6 million immigrant children in the US, only 2.9 million are first-generation immigrants (i.e., born outside of the U.S.).
- ❖ Second-generation immigrants, as well as 1.5-generation immigrants (i.e., moved to the US before the age of 12) may acculturate differently than their first-generation immigrant parents (Renzaho, Dhingra & Georgeou, 2017; Schwartz et al., 2010).

- ❖ The prevalence of exposure to DV among immigrant children is unknown and estimates suffer from lack of consistency in how DV is measured (Ragavan & Bhandari, 2020).
- ❖ In a sample of 368 South Asian adults, 56% were born in the U.S., and 41% were exposed to parental IPV as children (Robertson, Nagaraj, and Vyas, 2010)

Data from my study

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- ❖ N= 14
- ❖ South Asian abused women in the U.S.
- ❖ In-depth telephonic interviews

- ❖ Publication under review with Journal of Family Violence

Bhandari, S. & Liu, C. (in review). Mothering in the context of Domestic Violence among South Asian Families. *Journal of Family Violence*

Findings

(1) Manipulation, control and coercion

(a) contentious custody battles with limited resources

Every custody battle was unique, and it ranged from deeming the woman “crazy” and hence an unfit mother, fraudulently tricking her to admit that she abused their child and then abandoning her, using the children as pawns, and not letting them seek mental health therapy, among others.

(b) son preference

(c) deeming the mother unfit

(2) Impact of abuse on children.

- ❖ I'm telling you. . . . either throw me in a mental health facility or throw me in the jail I was - I like, it was hell, it was hell.. . . Now, I have the custody of the kids for one whole year. He fought for the sole custody. He started filing for fighting for sole custody that I'm suicidal. . . . So, the investigation with the DCFS (Department of Children and Family Services) and everything went on for like good three, four months. My son left the house, with my husband, and it was a hell of a journey to bring him back but I did get the temporary custody of the children in November." (Rakhi*, India, 39 years).

▶ *Names have been changed and pseudonyms have been used.

- ❖ Rani had a sensitive judge who gave her custody of her son. But she was also fraudulently made to sign papers by her husband.

She shared, “Yeah. That is the document, I have an agreement, I don’t want anything, the child custody goes to him, he’s everything, whatever. . . . His attorney asked me, you signed this document?. . . I said, “yeah, I signed that document.” Then my attorney asked, “why you signed the document?” I said, “he abused me and my son” (Rani, 33 years, Pakistan). Luckily, in Rani’s case, the judge listened to her case for 5 hours, and she got right in his property as well as custody of her son.

Myra moved out of the abusive home and lived separately with her son. Her in-laws and abusive husband kidnapped her son from the home-based daycare. She is still fighting for custody of her son.

- ❖ *One day when I was at work I changed my child's daycare and somehow they followed me. . . . That was a home-based care of like a desi (Indian) lady. So, they just showed up at her house and showed those like one year old restraining orders saying that, "I am hiding my child from father and it is an offense" and like they just started screaming, yelling at the babysitter and said, "Hey, if you do not give the child right away because the child has an appointment, they're going to call cops on her and she will be in trouble. She'll end up going to jail because she's helping me hiding the child." Desi (Indian) people like she's a simple household lady. She got scared and unfortunately she called me, she tried to call me and I was in a meeting and like literally it was just 10 minutes meeting and within 10 minutes, they just grabbed the baby and ran away.(Myra, Pakistan, 31 years).*

Impact of abuse on children

- ❖ *So, basically I sought help when I saw that my children were getting affected. . . .He wouldn't talk to anybody, the moment he enter, he would, he will go into his room and he will do,he doesn't come out. At least let the kids and let my son also know that if you do this (abuse) to a woman, this is how your life is going to beI think this is all the retrospect of my own analysis and children, I think, copy – you know, children do what we do. So, that's another thing why I feel like my daughter will benefit from this. I saw my son was getting affected that, you know, when he would mistreat me in front of my child, my son started getting really afraid of him and then it was, you know, so he had no effective parent at that point. So, I think that's the time when I just couldn't handle it, (Kajal, India, 49 years).*

- ❖ Research with non-South Asian population shows that when men start losing women as targets, they utilize children as scapegoats, hence the fight for custody is more so a retaliation towards the woman (Geffner & Pagelow, 1990; Saunders 1994; Zorza,1995; Douglas & Walsh, 2019).
- ❖ This was also reported in the current study.
- ❖ It adds an extra layer of barrier especially for immigrant women as they must deal with custody issues as well as their immigration status, which most often depends on the abusive husband.

▶ CASE STUDY

References

- ▶ Bhandari, S. & Millner, U. (2022). Prevalence of domestic violence among South Asian women in the United States and mental health symptoms. *Journal of International Women Studies*, 24(5), Article 13. Available at: <https://vc.bridgew.edu/jiws/vol24/iss5/13>
- ▶ Bhandari S. & Millner U. (2022). Prevalence of domestic violence among South Asian women in the United States and mental health symptoms. *Journal of International Women Studies*, 24(5), Article 13. Available at <https://vc.bridgew.edu/jiws/vol24/iss5/13>
- ▶ Bhandari S. (2024). Exploring Intervention with South Asian Women in the United States Experiencing Domestic Violence. *Journal of Evidence-Based Social Work*. <https://doi.org/10.1080/26408066.2024.2312195>
- ▶ Budiman A. & Ruiz N.G. (2021, April 29). Key facts about Asian Americans: A diverse and growing population. *Pew Research Center*. <https://www.pewresearch.org/fact-tank/2017/09/08/key-facts-about-asian-americans/>
- ▶ Government of India. (1955). *The Hindu Marriage Act 1955*. May 18. <http://www.vakilno1.com/bareacts/hindumarriageact/hindumarriageact.html>
- ▶ Liversage A. (2013). Gendered Struggles over Residency Rights when Turkish Immigrant Marriages Break up. *Oñati Socio-Legal Series*, 3(6), 1070-1090. Available from <http://ssrn.com/abstract=2356981>
- ▶ Mahapatra N. (2012). South Asian Women in the US and their Experience of Domestic Violence. *Journal of Family Violence*, 27, 381–390.
- ▶ Paat Y. (2014). Risk and resilience of immigrant women in intimate partner violence. *Journal of Human Behavior in the Social Environment*, 24, 725–740. <https://doi.org/10.1080/10911359.2013.853018>
- ▶ Rai A. & Choi Y.J. (2018). Socio-cultural risk factors impacting domestic violence among South Asian immigrant women: A scoping review. *Aggression and Violent Behavior*, 38, 76–85.
- ▶ Rai A. & Choi Y.J. (2021). Domestic violence victimization among South Asian immigrant men and women in the United States. *Journal of Interpersonal Violence*, 1–36. <https://doi.org/10.1177/08862605211015262>
- ▶ Renzaho A.M.N., Dhingra N., & Georgeou N. (2017). Youth as contested sites of culture: The intergenerational acculturation gap amongst new migrant communities: Parental and young adult perspectives. *PLoS ONE*, 12(2). <https://doi.org/10.1371/journal.pone.0170700>
- ▶ Robertson H.A., Nagaraj N.C., & Vyas A.N. (2016). Family violence and child sexual abuse among South Asians in the US. *Journal of Immigrant Minority Health*, 18, 921-927.
- ▶ Rudra U. & Dasgupta S.D. (2011). Transnational abandonment of South Asian women: A new face of violence against women. *Manavi Occasional Paper No. 6*. New Brunswick, NJ: Manavi.
- ▶ Sabina C., Cuevas C.A., & Schally J.L. (2015). The influence of ethnic group variation on victimization and help seeking among Latino women. *Cultur Divers Ethnic Minor Psychol*, 21(1), 19-30. <https://doi.org/10.1037/a0036526>
- ▶ Sabri B., Nnawulezi N., Njie-Carr V.P.S., Messing J., Ward-Lasher A., Alvarez C., & Campbell J.C. (2018). Multilevel Risk and Protective Factors for Intimate Partner Violence among African, Asian, and Latina Immigrant and Refugee Women: Perceptions of Effective Safety Planning Interventions. *Race and Social Problems*. <https://doi.org/10.1007/s12552-018-9247-z>
- ▶ Sabri S., Bhandari S., & Shah A. (2019). Dangerous Abusive Relationships and Sources of Resilience for South Asian Immigrant Women Survivors of Intimate Partner Violence. *Journal of Social Work in the Global Community*, 4(1), 1-18. Retrieved from <https://scholarworks.waldenu.edu/cgi/viewcontent.cgi?article=1016&context=jswgc>
- ▶ Schwartz S.J., Unger J.B., Zamboanga B.L., & Szapocznik J. (2010). Rethinking the concept of acculturation: Implications for theory and research. *American Psychologist*, 65(4), 237-251. <https://doi.org/10.1037/a0019330>
- ▶ Shreya Bhandari (2024). Exploring Intervention with South Asian Women in the United States Experiencing Domestic Violence. *Journal of Evidence-Based Social Work*. <https://doi.org/10.1080/26408066.2024.2312195>
- ▶ Soglin L.F., Ragavan M., Immaneni S., & Soglin D.F. (2020). Assessing Intimate Partner Violence in South Asian Women Using the Index of Spouse Abuse. *Violence Against Women*, 26(6-7), 697-711. <https://doi.org/10.1177/1077801219842945>
- ▶ Thapa-Oli S., Dulal H.B. & Baba Y. (2009). A Preliminary Study of Intimate Partner Violence Among Nepali Women in the United States. *Violence Against Women*, 15(2), 206-223. <https://doi.org/10.1177/1077801208329389>
- ▶ Zeigler K. & Camarota S. A. (2015). Immigrant population hits record 42.1 million in second quarter of 2015. *Center Immigration Studies, Washington DC*.