Obtaining Legal Status in the United States:
Undocumented Latinas Near Chicago and The Strategic Use of Mental Health

By

Stephanie Kohl

A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Arts
in Medical Anthropology
in the Department of Cultural and Social Studies
Creighton University

Omaha, NE
April 11, 2017
THESIS APPROVED BY

Date: 11/11/2017

Alexander Roedlach, SVD, Ph.D.

Laura L. Heinemann, Ph.D., M.S.W.

Mary Hallin, Ph.D.

Gail M. Jensen, Ph.D., Dean
Abstract

Caught between abusive partners and restrictive immigration law, many undocumented Latina women are vulnerable to domestic violence in the United States. This thesis analyzes the U-Visa application process experienced by undocumented immigrant crime victims and their legal advisors in a suburb of Chicago, Illinois. I focus on the strategic use of mental health by applicants for U-Visas related to domestic violence cases by investigating the complex intersection between immigration law and a humanitarian clause that creates a path towards legal status and eventual citizenship.

This research is based on participant observations at a nonprofit immigration legal services office, review of over 100 U-Visa applications between 2014-2016, 17 written personal statements, and 5 interviews with stakeholders in the community of Dupage County, Illinois. Using the Grounded Theory approach, I focus on how these women describe their mental health in written personal statements that are part of the U-Visa application. Drawing on theoretical concepts of structural violence and biological citizenship, this study reveals the strategic use of mental health in order to gain immigration benefits by undocumented female survivors of domestic violence.

Keywords: Immigration; Domestic Violence; Mental Health; U-Visa; Latina; Structural Violence; Biological Citizenship
Acknowledgements

I would like to express my deepest thanks to my thesis advisor, Dr. Alexander Roedlach for his dedicated help and almost weekly Skype meetings since I first asked him to be my advisor last year. Dr. Roedlach allowed my research to be my own unique work but also helped steer me in the right direction whenever necessary. I am also deeply grateful to my thesis readers, Dr. Laura Heinemann and Dr. Mary Hallin. My thesis would not be possible without their encouragement and insight as I attempted to identify the perfect thesis topic since I first began the master’s degree program in 2015.

A very special word of gratitude goes to World Relief in Wheaton, Illinois. I am indebted to them for their support first as a host to my internship and later to my thesis research. I appreciate their willingness to allow me to access their legal files for the purpose of enhancing higher knowledge and a pursuit of creating better awareness about the plight of many undocumented survivors of domestic violence face. I am amazed at their ability to remain so poised and positive despite the heavy subject matter they work with on a daily basis. They have been a blessing to their community and to me personally.

Finally I would like to thank my husband, Justin, for his encouragement throughout the process of planning, gathering data and writing my thesis. He encouraged me not to give up on finishing my thesis despite being 9 months pregnant at its completion. I am very thankful he cheered me on throughout my entire time in graduate school.

This thesis is dedicated to the undocumented survivors of domestic violence in Dupage County, Illinois.
List of Tables

Table 1 Domestic Violence Theme Frequency List ................................................................. 22
Table 2 Mental Health Word Frequency List ........................................................................ 23
Table 3 Overall Word Frequency List .................................................................................. 30
Table 4 Coping Theme Frequencies .................................................................................... 32
List of Graphs

Graph 1 Frequency Word Cloud........................................................................................................... 26

Graph 2 Coding Map of Socio-Structural Category Themes................................................................... 36
List of Acronyms

BIA- Board of Immigration Appeals
DACA- Deferred Action for Childhood Arrivals
DHS- Department of Homeland Security
DV- Domestic Violence
ILS- Immigrant Legal Services
INA- Immigration and Nationality Act
IRB- Institutional Review Board
IRCA- Immigration Reform and Control Act
LPR- Legal Permanent Residency (also known as a “Green Card”)
USCIS- United States Citizenship and Immigration Services
VAWA- Violence Against Women Act
# Table of Contents

Abstract......................................................................................................................... iv
Acknowledgements .......................................................................................................... v
List of Tables ..................................................................................................................... vi
List of Graphs .................................................................................................................. vii
List of Acronyms .............................................................................................................. viii

**Chapter 1: Introduction** ........................................................................................... 1
Terminology ..................................................................................................................... 3
  Undocumented Immigrant ......................................................................................... 3
  Domestic Violence ........................................................................................................ 4
  Victim ........................................................................................................................... 5
  Latino/a ......................................................................................................................... 5
  Mental Health ............................................................................................................. 5
Undocumented Immigration ......................................................................................... 6
A Nation of Immigrants ............................................................................................... 8
Immigration Visas ......................................................................................................... 10
Concepts of “Deservingness” and “Illegality” in Immigration ........................................ 12
Internship ....................................................................................................................... 13
Organization of Thesis ................................................................................................. 14

**Chapter 2: Research Design** .................................................................................. 15
Methodology ................................................................................................................... 15
  Personal Statements from Victims ........................................................................... 15
  Interviews .................................................................................................................... 17
  Methods of Analysis: Grounded Theory Method ..................................................... 17
  Theoretical Perspectives ............................................................................................. 18
  Structural Violence ...................................................................................................... 18
  Biological Citizenship ................................................................................................. 19

**Chapter 3: Results** ............................................................................................... 21
Domestic Violence .......................................................................................................... 21
Mental Health ................................................................................................................. 23
Children ......................................................................................................................... 26
Police .............................................................................................................................. 29
Coping ............................................................................................................................. 31
  Socio-Structural Categories ...................................................................................... 34
  Insight from Interviews ............................................................................................. 37

**Chapter 4: Discussion** ........................................................................................... 39
  Interpreting Results ..................................................................................................... 40
  Conclusion and Recommendations ............................................................................ 41

**Appendix I: Letter of Agreement from World Relief** ............................................... 45

**Appendix II: Informed Consent Document** ............................................................. 46

**Appendix III: Sample Interview Questions** ............................................................ 49

References ..................................................................................................................... 50
Chapter 1: Introduction

Alejandra, Andrea, Elena, Gabriela, Isabela, Julia, Lucia, Maria, Natalia, Nicole, Samantha, Sofia, Valentina M, Valentina R, Valeria and Ximena are all immigrants who left their homeland in desperation in order to build a better life. They all endured abuse at the hands of their partners in the United States. They dared to break away from their abusive relationships, some making the attempt several times before being successful. Based on their reports and interviews, this thesis focuses on undocumented Latina survivors of domestic violence and their strategic use of mental health to navigate immigration laws when applying for U-Visas, a legal form of immigration afforded to victims of certain crimes in the United States.

Undocumented immigrants arrive in the United States lawfully and unlawfully from almost every country on earth and are motivated by economic, political and social hardships in their country of birth. Solving the problem of undocumented immigration is not easy and has become a highly politicized issue. The United States Citizenship and Immigration Services (USCIS) operates through a clear set of laws yet fractures into a complex maze when it comes to come some specific issues related to humanitarian reasons of migration. U-Visas allows victims of qualifying crimes access to legal permanent residency immigration status (Green Card) and a path to citizenship. Without the aid of U-Visas, it would be unlikely that these undocumented immigrants would have any path towards documented immigration status.

Undocumented immigrants can experience particular vulnerability to abuse and violence because of the fear surrounding their lack of lawful presence or immigration status. In general, a quarter of all women in the United States experience domestic violence, which includes “physical assault, sexual violence, emotional abuse, and stalking behavior perpetrated by a spouse, boyfriend/ girlfriend, or live-in partner” (Wies 2011:4). Women both in the United States
and around the globe “are already at great risk for suffering intimate partner violence; [especially] women who are immigrants” because they can face gender-based discrimination in addition to other structural inequalities from their country of birth (Parson and Heckert 2014: 306). Women who experience domestic violence report greater psychological problems and poorer social adjustment than women who have not had exposure to domestic violence (Rossman 2001).

Immigration laws put undocumented women at a disadvantage and can leave many feeling a lack of agency or power over their lives and sometimes their abusers can use the fear of deportation to exploit them. Research has shown that “abusive partners [use] biopolitical threats as a form of interpersonal control” (Parson and Heckert 2014: 309). Studies have shown that Latina women who have been victims of domestic violence have “significantly greater trauma-related symptoms, depression, lower social and personal self-esteem” (Edelson, Hokoda and Ramos-Lira 2007: 1). Victims of qualifying crimes related to domestic violence can apply for immigration status through U-Visa if they meet a pre-determined set of criteria and have been or are likely to be helpful in the investigation and prosecution of the criminal activity they experienced. U-Visas are potential “pathways to becoming authorized by the state and, even...to a form of biological citizenship” (this concept will be explained later) (Parson and Heckert 2014: 307). Victim of domestic violence are able to gain access to becoming officially authorized by the state through being granted immigration status. Many victims seek legal counsel from pro-bono law offices or Immigration Legal Services (ILS) at non-profit agencies that provides low cost legal services.

The participants in my study are a selected group with legal proof in the form of police documentation of abuse from domestic violence. All of the participants successfully obtained U-
Visas with the help of the legal advisors at World Relief in Wheaton, Illinois. They all suffered substantial physical abuse in the form of at least one or more of the following: abduction, abusive sexual contact, domestic violence, extortion, kidnapping, murder, obstruction of justice, rape, sexual assault. In addition to the Certification of Helpfulness (I-918 form signed by a law enforcement agency) and police reports documenting the extent of the physical abuse, many of the participants in this study also described suffering mental abuse as a result of having been a victim of these criminal activities.

**Terminology**

Terminology varies greatly in literature and common use related to immigration, abuse, victimization, and mental health. In many cases, researchers use terms interchangeably. For the purpose of this research the following definitions will be used:

*Undocumented Immigrant;* There is a wide variety of ways to describe a foreign born person in the United States. The term *migrant* can be used to describe any person who has at some point migrated to a new place, regardless of the length of time. This term is preferred by some researchers because it captures the process of both leaving and arriving in a new place and does not suggest how long that migration might be (whether it be periodic or long-term). In addition, there is a variation in choice of terminology to describe a foreign-born person without proper official documents required to legally live in or work in a country. These include *illegal, undocumented, irregular, extralegal, unauthorized, clandestine,* or sometimes colloquially known by Spanish-speakers as *sin papeles* (Castañeda 2010:6). The term *illegal alien* is typically considered pejorative and out-dated by most researchers because it suggests an illegal motive for migration. For the purpose of this research, the term *undocumented immigrant* will be used to
describe a foreign-born person living in the United States without proper legal documents to do so. It will be the term used most often unless quoting the words or ideas of someone else.

*Domestic Violence:* This term is often used interchangeably with *intimate partner violence* to refer to physical battering, sexual assault, psychological abuse, or stalking within a marriage or intimate partner relationship (Wies 2011: 66). The United States Department of Justice (2017) defines domestic violence as, “physical, sexual, emotional, economic, or psychological actions of threats of actions that influence another person”. The terms are typically used without much description, assuming “the boundaries of what constitutes domestic violence are self-evident and universal” (Adelman 2004: 134).

Many anthropologists argue that *domestic* and *violence* are culturally constructed terms and assumptions should be questioned because culturally based gender roles and norms shape the way domestic violence is framed. For example, some cultures tolerate a certain level of violence within marriage and therefore does not hide the abuse. The terms *domestic violence* and *intimate partner violence* imply the secrecy of the abuse because they are described as occurring between only two people in an intimate relationship (Brunson 2011: 3). Domestic violence also typically implies a hetero-normative relationship between a man and women where the man abuses the women; however, the term should include a woman abusing the man, or same-sex relationships of abuse.

For the purpose of this research, the term *domestic violence* will be used. It should be noted that the participants were limited to adult females who were victims of at least some form of physical abuse within domestic violence cases, all of which were abused by their husbands, boyfriends, ex-boyfriends, or male partners. Also note, the term *domestic violence* is the legal terminology specifically used to describe a qualifying crime eligible for application for a U-Visa.
Victim; The term victim can be used to describe a person who has experienced significant suffering due to an injustice against them. It typically refers to people, “believed to have been unjustly harmed or damaged by exogenous forces beyond their control” and can imply helplessness (Holstein and Miller 1990: 105). U-Visa applications use the term victim to refer to a person who is eligible to apply based on the experience of at least one of 28 qualifying crimes (such as domestic violence, felonious assault, rape, or sexual assault). The term survivor is sometimes preferred because of its focus on the way a person has been able to move past their suffering toward a constructive future. It can convey a sense of empowerment over one’s life. Victim and survivor will be used in this thesis based on the context it is placed in.

Latino/a; It should be noted that although the terms Latino and Hispanic are both commonly used to describe people from North, Central and South America, there are some important distinctions between the terms. Latino typically refers to anyone of Latin American ancestry, not only Spanish speaking populations. Hispanic typically refers only to Spanish speaking ancestry. All participants in this study were born in Mexico or Guatemala. For the purposes of this study, the term Latino/ Latina will be used exclusively.

Mental Health; This includes psychological, emotional, and social well-being. The World Health Organization (2016) describes poor mental health as “associated with rapid social change, stressful work conditions, gender discrimination, social exclusion, unhealthy lifestyle, risks of violence, physical ill-health and human rights violations”. Culture can influence the interpretation of mental health symptoms and also the definition of mental health; anthropology can help to “illuminate the socio-cultural, clinical, and familial context of suffering and healing regarding emotional distress/mental illness” (Whitley 2014: 499). The use of the term mental health will be used to describe the emotional and psychological impact domestic violence has
had on the applicants for U-Visas. This can include both diagnosed and undiagnosed depression, anxiety, fear, behavior resulting from trauma or stress, suicidal behavior and other behavioral disorders.

Undocumented Immigration

There are more than 200 million migrants in the world, 20-30 million of them are estimated to be undocumented (Ruiz-Casares et al. 2010: 329). Illegal, undocumented entry and overstay of Visas are ways immigrants are unlawfully present in the United States. As of 2006, it was reported that there are 11 million undocumented immigrants living in the United States (Pew Research Hispanic Center 2006). Many come legally on a temporary visas but overstay its expiration. Some migrants use false paperwork, and others cross unprotected borders without inspection. Half of all undocumented immigrants entered illegally without inspection and 40% entered legally but violated their visa (Martin and Migley 2006: 7). Although little is known about the demographics of undocumented immigrants who overstay the terms of a visa, many tend to be educated, fluent in English and have higher socioeconomic statuses in their country of birth than immigrants who enter without inspection such as breaching a border (Murray 2013). Undocumented immigrants are particularly vulnerable to social inequalities in the current global system because many emigrate from their country of birth because they experienced many social disparities; in fact, “the very decision to migrate reflects a marginalized position” (Castaneda 2010:6). They continue to experience different disparities once they arrive in the United States because of their lack of documentation.

An increase in migration across borders has resulted from globalization. International immigration, both documented and undocumented, continues to rise globally, because
“migration is a fundamental condition of the contemporary world economy” (Heyman et al. 2009:15). Increased migration in and out of countries creates new social and cultural formations, as well as reactions that are sometimes negative and which resist change. This form of transnational migration breaks down rigid identities of nations because it allows for people and ideas to move in and out of a country.

Issues of immigration are so important to the United States that it even has a Department of Homeland Security (DHS), responsible for preventing unauthorized entry and removal of those who entered illegally. DHS and Border Protection Agency work together with the Border Patrol; in 2006 there were 12,000 Border Patrol agents and they apprehended 1.2 million foreigners entering illegally at the border. The number of apprehensions has gone done since 2006; in 2016 there were 415,816 apprehensions of undocumented foreigners at the border and a total of 19,828 Border Patrol agents (United States Customs and Border Protection, 2016). Many undocumented immigrants come to the United States to look for work, to be reunited with family members, or due to unstable political or economic environments in their home country.

Presently, undocumented immigrants have no pathway towards gaining legal status. The DREAM Act is a legislative proposal to allow undocumented minors who entered the United States before the age of 16 to be granted legal permanent residency. The Deferred Action for Childhood Arrivals (DACA) policy was created in 2012 to defer legal action against deporting undocumented minors for two years, and gives legal permission to be employed, the ability to apply for a driver’s license or state identity card, and the ability to leave the country and return if approved for advance parole beforehand. DACA is the only program available to undocumented children and provides limited opportunities for personal agency; most will never be eligible for legal permanent residency, financial aid to attend college, and in most states they cannot qualify
for benefits afforded to low-income children, such as food stamps or Medicaid. These strict rules placed on undocumented immigrants have not always been the case in the United States; the origins of this country is based on much easier access to entry and permanent stay (Heyman et al. 2009:15).

*An A Nation of Immigrants*

The United States has a unique distinction as a nation founded by immigrants. The very study of culture by anthropologists must consider historical migration patterns because, “humans have always been on the move” (Frachetti 2011: 196). The original immigrants to the United States were mainly from Great Britain and Spain. The colonists from Great Britain came in 1607 and were organized by the Virginia Company. Other immigrants like the Pilgrims were searching for religious freedom and had to create their own model of self-government (Anderson 2010: 3). Early immigrants fought for independence from Great Britain in order to start their own independent country in 1776. The founders of the United States knew that immigration was vital to the growth of the new nation. One of Thomas Jefferson’s complaints against the British King George III was that he was preventing the migration and naturalization of foreigners to the United States. In a speech to Irish immigrants after the battle of Yorktown, George Washington stated that America should receive not only the opulent but also the oppressed and persecuted from any nation. Along with freely chosen migration of mostly Europeans, the United States was filled in part with the forced migration of slaves, many smuggled illegally after 1808 (Daniels 2004: 6).

After the United States was formed there were no federal laws directly involving immigration. Immigration policies were left up to the discretion of each state until 1790 when
Congress passed an act to set a national standard. This required two years of residency before someone could be naturalized; the requirement was raised to 5 years to residency in 1795 (Anderson 2010: 6). The first federal law to legally deport aliens was promulgated in 1798; although it only lasted 2 years it was the first law that described a sense of anti-alien sentiment and was the first law to require foreign ships to submit a manifest document with the names of all people coming into the United States (Anderson 2010: 6). In his inaugural address of 1801, Thomas Jefferson spoke against laws making naturalization difficult and anti-immigrant attitudes.

The United States didn’t keep records of immigration statistics until 1820; the framework for non-immigrant and immigrant visas as they are used today began in 1924 (Anderson 2010: 11). The Displaced Persons Act was passed in 1948 and was the first law that allowed refugees to resettle in the United States. In 1952 the Immigration and Nationality Act was passed which, “collected and codified many existing provisions and reorganized the structure of immigration law” (USCIS). It created a quota for immigrations that divided preferential categories for relatives of citizens and permanent residents, and immigrants with high educational, or other exceptional abilities (Anderson 2010: 12).

Immigration laws changed sometimes dramatically, leaving many immigrants with unclear rights. In 1965 the Immigration and Nationality Act (INA) was passed and an annual immigration cap was placed at 120,000 immigrants without preference due to background. In 1986 the Immigration Reform and Control Act (IRCA) began punishing employers who knowingly hired illegal immigrants but it also provided amnesty for many undocumented immigrants. In 1990, the IRCA passed a law that increased immigration by 40 percent. In 1996 IRCA tightened rules against undocumented immigrants, making it harder for them to gain legal
status. In 2001 the USA Patriot Act and Enhanced Border Security and Visa Entry Reform Act tightened rules on how visas were granted, especially to certain countries. In 2002 the Homeland Security Act following changing focus on immigration, largely influenced by attacks on Americans after September 11, 2001, abolished the Immigration and National Service (INS).

The most recent statistics on immigration from the Department of Homeland Security (DHS) show that in the year 2015 there were 1,051,031 people who obtained lawful permanent resident status (DHS 2017). This number increased by over 34,500 from the year before. The most lawful permanent resident status were granted to over 419,000 applicants born in Asia, followed by over 366,000 applicants born in North America, over 85,000 applicants born in Europe and over 72,000 applicants born in South America. The top three countries of birth for immigrants in 2015 were Mexico with over 158,000 applications granted, China with over 74,000 applications granted, and India with over 64,000 applications granted.

*Immigration Visas*

The United States Citizenship and Immigration Services (USCIS) regulate immigration. In order to enter the United States a person must first be issued a visa or a visa waiver. Visas are issued based on intent, either through immigrant visas, or non-immigrant visas. An immigrant visa, also known as a Green Card, or legal permanent residency (LPR), is issued based on the intent to remain in the United States permanently. After someone is granted a green card they can become eligible to apply for citizenship if they meet a specific set of criteria.

Many people receive immigrant visas on the basis of humanitarian causes. This includes refugees, asylees, and some victims of specific types of violent crimes that occurred in the United States to undocumented people. Refugee status can only be granted from outside the
United States and is granted to people who demonstrate persecution due to race, religion, nationality, political opinion, or membership in a particular social group. Asylees are people who enter the United States or seek admission at a port of entry because of persecution due to race, religion, nationality, political opinion, or membership in a particular social group. Asylees must also wait one year to apply for a green card but they are not required to obtain a green card in order to stay in the United States.

Some humanitarian clauses in immigration allow for people to apply for benefits after already living in the United States. The Violence Against Women Act (VAWA) amended the Immigration and Nationality Act (INA) so that battered spouses, children and parents could apply for permanent residency without the abusers knowledge, provided that the violence occurred in the United States and the victim met all the provisional requirements. Victims of crimes such as human trafficking or specific types of violent crimes can apply for a T-Visa or U-Visa. The requirements to apply for a T-Visa or U-Visa are as follows: 1) Victim must be of a qualifying crime that occurred in the United States; there are approximately 28 types of crimes that qualify for this (they will be explained later); 2) Victim must prove they have suffered substantial physical or mental abuse as a result of the crime; 3) Victim must have proof that they have been helpful, are helpful, are likely to be helpful in an investigation and/or prosecution of the crime (ongoing requirement that is proved by obtained an I-918 certificate); 4) They must not be otherwise inadmissible or successfully receive a waiver.

U-Visas and T-Visas allow for undocumented immigrants who qualify to submit a waiver to request forgiveness of inadmissibility for their illegal entry to the United States, or overstay of a Visa. The State Department caps U-Visas at 10,000 given per fiscal year. If someone qualifies
and the cap has already been met, they might be granted an employment card and the right to get a state ID or driver’s license while they wait (likely for years) to be granted a legal status.

_Concepts of “Deservingness” and “Illegality” in Immigration_

The construct of deservingness refers to, “migrants’ shifting and historically produced experiences of sociopolitical exclusion from their countries of residence, often leading them to be portrayed as unwanted, undesirable, and unworthy of services” (Castañeda 2012: 830). This stems from an attitude that citizens have in which they, “feel an entitlement to medical care… [but] are unwilling to grant this to immigrants” (Chavez 2003:197). It is also built on the idea that immigrants who have legal status in a country are more deserving to have their basic human rights upheld compared to undocumented migrants. Sarah Horton states that categories for deservingness is, “based on neoliberal standards of individual responsibility and self-discipline” (2004: 472). The construct of deservingness legitimizes denial of human rights and imposes low moral worth of life based on one illegal act of entry into a country, regardless of motives or consideration of lack of other viable options for survival other than to migrate.

Anthropologist Nicholas P. DeGenova considers migrant illegality to be an epistemological, methodological and political problem. DeGenova states, “‘Illegality’ (much like citizenship) is a juridical status that entails a social relation to the state; as such, migrant ‘illegality’ is a preeminently political identity” (2002: 422). He argued that in order to study undocumented people, attention must be paid to the idea of their illegal presence and what they means to the host country, and also the effects of fear of deportation. In fact, in some countries like Germany, a welfare office must report undocumented immigrants to authorities if they attempt to apply for medical coverage (Gray and van Ginneken 2012:5).
DeGenova describes migrant illegality as a fetish that requires demystifying. It is caused by unfair immigration laws created to exclude vulnerable populations. Michel Foucault pointed out the ambiguous nature of illegality, stating that, "the existence of a legal prohibition creates around it a field of illegal practices" (1979: 280). The illegality of undocumented immigrants is further stigmatized by politics related to securing country borders; the illegal entry into a country without inspection is more dramatic than overstaying a visa. This type of elusiveness of the law unfairly creates a bigger spectacle of undocumented migration versus other forms of nonviolent or passive crimes.

**Internship**

I first became acquainted with the U-Visas through a 6 month long internship with World Relief from November of 2015 to May 2016. World Relief is a non-profit refugee resettlement agency that also provides low-cost immigrant legal services to the community surrounding Wheaton, Illinois (a suburb of Chicago). As an intern at an underfunded and short-staffed non-profit, I was able to take on various duties and roles within the office. I interacted with migrants applying for a variety of legal programs; some applied for status adjustments such as green card applications or US Citizenship applications. I also worked with Deferred Action for Childhood Arrivals (DACA) applicants, all types of U-Visas (not just domestic violence or adult women), and Violence Against Women Act (VAWA) applicants. I also helped coordinate free legal clinics held in community centers nearby. Another of my duties as an intern was to translate written personal documents like personal statements, birth certificates, marriage certificates, divorce certificates, and utility bills from Spanish to English that were to be used in various immigration applications. I was able to attend online, phone, and in-person training sessions
aimed for professionals working in immigration, refugees and asylees. In addition to my internship, I also volunteered weekly with World Relief as a Health Advocate for a recently resettled refugee family that required home visits and occasionally attending medical office visits with the family.

The experience I had as an intern evolved into a research project (see appendix I) after I noticed a trend in the way victims of domestic violence appeared to be groomed by their legal advisors to expand upon their mental health and emotional suffering in the personal statements they submitted with their U-Visa applications. The personal statements warranted a deeper analysis.

Organization of Thesis

This thesis is organized into 4 chapters. The first chapter provides an introduction to the thesis and gives important background information on immigration as it relates to this study. It also gives an overview of domestic violence terminology used throughout the paper, and describes my initial introduction to the research topic through an internship with World Relief (a nonprofit organization that serves refugees and immigrants). The second chapter explains the major theoretical perspectives used to understand the data. It also explains how data was collected through personal statements and interviews and details the methodology of data analysis using the grounded theory method. Major findings are described in the third chapter. The final chapter discusses the analysis of data and gives recommendations for its future use.
Chapter 2: Research Design

Methodology

Qualitative research methods were used in this study in order to address the perspectives of the participants and understand the meaning behind their statements. My research site host, World Relief, did not permit me to get in contact with the applicants of U-Visas, however, I collected and analyzed 17 personal statements of adult female survivors of domestic violence applying for U-Visas through World Relief in Wheaton, Illinois between the years of 2014-2016. There were only 17 applications that fit this description although there were over 100 other applications that were petitioned on the behalf of minors or people who were victims of other crimes besides domestic violence.

The personal statements ranged in length from as short as one page to as long as 20 pages. I conducted five semi-structured interviews with stakeholders in immigration related to U-Visas; four interviews were conducted with Board of Immigration Appeals (BIA) representatives and 1 interview was conducted with a police sergeant who worked closely with undocumented survivors of domestic violence in the community. All were very eager to share their reflections on their work with survivors of domestic violence.

Personal Statements from Victims

I went into the World Relief office once or twice weekly between August and September to read through the victim statements and create notes based on what I read. All the women in this study were Latinas, 16 from Mexico and 1 from Guatemala. This was a coincidence and not my intention to only study Latinas. It is likely that the good reputation World Relief has with many Spanish speaking churches in the area, as well as their DACA clinics is part of the reason
many Latinas were drawn to their office. They may have been attracted to the fact that the BIA representatives are all fluent in both English and Spanish. Being able to communicate in Spanish was likely very important to the victims because many of them spoke limited English.

The personal statements were either written by the victim in English or Spanish, or were transcribed by a friend, family member, or translator who worked for the county. Since most of the statements written by the victim were in Spanish, as an intern with World Relief I helped translate two personal statements prior to beginning my research on this topic. Family, friends, or the translator with the county translated other personal statements. I was trained to follow a protocol in which I was instructed not to change any part of the statement. I could not add quotation marks, commas, periods or other punctuation marks nor could I correct the grammar used or misspellings. I had to give direct translations of the text from Spanish to English. This is a general protocol used by most translators.

Once I had all the personal statements in English, I used a coding system so that I could keep track of which statements I used but without writing down names or personal information from the victims. I created pseudonyms for all the participants and for the people they named in their statements. I was only able to access the original copies of victim statements within the World Relief office in Wheaton, Illinois and was not be allowed to take any statements home with me because they are private legal documents. Upon redacting the statements I was able to upload them onto my password-protected computer that I used for school. All personal statements were from Latina women who elected to use the Immigration Legal Services (ILS) at World Relief in Wheaton, Illinois (a suburb approximately 35 minutes outside of Chicago). Given the standardized requirements of the U-Visa application, results from the personal
statements are likely comparable to those nationwide however this could be an area for future research.

Interviews

I originally had hoped to conduct up to 20 semi-structured interviews with World Relief attorneys, legal representatives and community members such as police officers who works with U-Visa cases. However, I was only able to conduct 5 interviews despite my attempts to reach out to church advocacy groups who help victims of abuse, shelters for survivors of domestic violence and any recommendations from the participants I had interviewed. Despite the small number of interviews, they were very informative and helped frame the context that the personal statements were written. I asked each participant to sign a waiver allowing me to document our interviews using a recording app on my iPhone (see appendix II). All consented except the police sergeant who requested not to having the interview recorded but allowed me to take notes instead. I conducted the semi-structured interviews using some basic questions about U-Visas and mental health to guide the discussion and also asked some specific questions as needed (see appendix III). After the interviews I used the recordings to create transcripts of each interview. The interviews with BIA representatives ranged from about 14 minutes to about 23 minutes. The interview with the police sergeant lasted approximately 3 hours.

Methods of Analysis: Grounded Theory Method

Using the MAXQDA12 software program I employed the open coding technique, part of the Grounded Theory method originally described by Anselm Strauss and Juliet Corbin. The grounded theory method, “is a general methodology for developing theory that is grounded in
data systematically gathered and analyzed” (Strauss and Corbin 1994: 273). The idea behind it is that codes can emerge from within the text being studied; the theory itself evolves through research and emerges from the data. It is an exhaustive technique that will be particularly appropriate for my research because it goes beyond describing the text by interpreting and analyzing the meaning behind the data. This helped look at the deeper meaning behind the data with the categories that I compared. Because this method continually compares the process of analysis and data collection, it has been referred to as the constant comparative method (Strauss and Corbin 1994: 273). I did this until the point of saturation and no new relevant data or relationships were observed and the categories were clearly defined. I used open-coding, followed by axial coding, which were sub-codes based on major themes in order to make connections between the data’s categories and subcategories. This method was appropriate because the topic of research has many political undertones, especially given the current political climate surrounding issues of immigration. In this way I was able to remain as un-biased as possible while trying to understand the meaning behind the statements.

Theoretical Perspectives

An understanding of theoretical frameworks in relation to undocumented immigration helps frame the impact of domestic violence on immigration within historical and political contexts. The theoretical concept of structural violence refers to the harm, often physically painful, that result from structurally bound inequalities that prevent a person, society, or culture from having equal access to resources that others might have better access to. Structural violence “explicitly focuses the analysis on inequality and social, political, and economic mechanisms used to create or enforce inequality and continued marginalization” (Slack and Whiteford 2011:
12). Paul Farmer describes structural violence as the “social and economic inequities that determine who will be at risk for assaults and who will be shielded from them” (Farmer 2005:17–18).

Structural violence is a particularly useful analytical tool to help understand not only the physical and violent effects of inequality, but also how these systems of oppression and inequality affect undocumented Latinas in particular because of the social and political systems of oppression in their countries of birth (in these cases it is Mexico and Guatemala). Seth Holmes explains the limited choices undocumented immigrants have in this way: “crossing the border is not a choice to engage in a risk behavior but rather a process necessary to survive, to make life less risky” (2013: 21). Structural violence explains why undocumented immigrants come to the United States and also why they are at greater risk for domestic violence by focusing on the situations that constrain their agency; biological citizenship explains how victims can exercise some agency by claiming support through immigration clauses, which will be described in the next section.

*Biological citizenship* is when “sufferers stake claims for biomedical resources, social equity, and human rights” (Cataldo 2008: 901). It considers the moral and political entitlements due to a physical suffering and makes concessions in the form of some sort of government-sponsored support. The theoretical concept of biological citizenship addresses the concept of suffering as “objectified in its legal, economic, and political dimensions” (Petryna 2004: 265). It builds on the idea of *biopower*, which explains “how biologic and medical data are used by the institutions of the modern world to define, count, divide, and… discipline populations” (Hanna and Kleinman 2013: 26). Michel Foucault (1970) described biopower as disciplining and regulating the body. In this way, a population’s statistics can be used to exercise power. In the
case of U-Visa applicants, biopower describes the way the government collects data on people considered victims of crime and can use that data to promote population regulations. Biopower can be used to promote biological citizenship, a selective form of access to resources and compensation based on documented criteria of medical or legal cause.

Biological citizenship can be a type of medical humanitarianism that creates an illness clause in immigration laws. This results in, “unusual pathologies turn political- they become means to papers; sexual violence becomes something to remember and recount, not to forget and forbear” (Tiktin 2011: 4). Biological citizenship can create access to immigration benefits for U-Visa applicants that can later lead to legal citizenship and long-lasting rights for victims. It can be argued that this type of immigration clause promotes inequality in immigration law enforcement. Although biological citizenship appears to come to the aid of the suffering of a sick or sexually exploited body, it does so by placing more importance on biological or physical suffering as a more legitimate cause for immigration leniency than a laboring or exploited body due to political, economic or social causes.
Chapter 3: Results

Using the Grounded Theory, I analyzed the personal statements and found six main themes throughout the texts: domestic violence, mental health, children, police, coping mechanisms, and socio-structural categories. Domestic violence, mental health and police were clear themes due to their importance to the U-Visa application. The occurrence of themes related to children, coping and socio-structural categories were found through high frequencies of words used to describe them. Most of the themes had overlapping qualities; for example the way some women coped with their abuse was indicative of their mental health status. It should also be noted that the personal statements were all from Latina women whose countries of birth were from Mexico and Guatemala. This was not intentional and I would have analyzed applications from women originally from other countries. It happened to be that the backgrounds of the 17 personal statements available to me were all Latina. I also conducted interviews with five stakeholders in the community; four were BIA legal representatives at World Relief and one was a police sergeant.

Domestic Violence

The participants of this study were a selective group with legal proof of domestic violence in the form of the I-918 certificate signed by police officials. All 17 of the personal statements used in this study gave very descriptive accounts of the domestic violence they experienced and in all of the statements a description of physical abuse was included. In some cases other forms of domestic violence were included such as verbal abuse, sexual abuse, destruction of property, intimidation and coercion, fear, murder, neglect and abduction (see Table 1).
Table 1 Domestic Violence Theme Frequency List

<table>
<thead>
<tr>
<th>Name</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical abuse</td>
<td>16</td>
<td>94.12</td>
</tr>
<tr>
<td>Destruction of property</td>
<td>15</td>
<td>88.24</td>
</tr>
<tr>
<td>Verbal abuse</td>
<td>11</td>
<td>64.71</td>
</tr>
<tr>
<td>Intimidation/Coercion</td>
<td>10</td>
<td>58.82</td>
</tr>
<tr>
<td>Fear</td>
<td>9</td>
<td>52.94</td>
</tr>
<tr>
<td>Sexual abuse</td>
<td>6</td>
<td>35.29</td>
</tr>
<tr>
<td>Murder</td>
<td>5</td>
<td>29.41</td>
</tr>
<tr>
<td>Neglect</td>
<td>4</td>
<td>23.53</td>
</tr>
<tr>
<td>Abduction</td>
<td>2</td>
<td>11.76</td>
</tr>
</tbody>
</table>

In 15 of the 17 statements destruction of property was mentioned. Ximena R described how her abuser broke her phone on more than one occasion because he was mad at her. Maria G also stated that her abuser stole her phone from her hand while she was using it and Julia D said her abuser took her phone out of her purse without her knowledge or consent. Alejandra R, Andrea T, and Elena F also stated that their abusers broke their cell phones. Valentina R said her abuser used a hammer to break her television as well as her cell phone. In fact, 15 women mentioned having their cell phones destroyed or stolen by their abusers. Other forms of property destruction included creating holes in walls, breaking doors, throwing objects at cars and stealing keys. Gabriela M stated that her abuser “broke the wall, door and some furniture”. Sofia M described how her partner threw her clothes in the street.

Verbal abuse was directly referenced in 9 of the personal statements a total of 11 times. Descriptions of verbal abuse were usually given in tandem with the physical abuse. Sexual abuse was described by 4 women. Elena F was abducted and raped by an ex-boyfriend. Valentina R was raped by her sister’s husband and by an unknown man at a party, however she did not include those crimes in her application for a U-Visa instead using them to give context for her personal statement and the abuse she suffered from her ex-partner. Ximena R described being
raped by her partner, saying it “brought emotional consequences” and a feeling of powerlessness because she was unable to leave the relationship. The physical abuse described in the statements had clear consequences on their mental health.

*Mental Health*

Descriptions of anxiety such as being scared, nervous or anxious occurred in 15 personal statements. The word “nervous” was used when it was in reference to the abuse the women suffered from their partners. The words “scared”, “fear”, and “worried” occurred 12 personal statements and were always directly related to the way the survivors or their children felt because of the actions of the abusive partner. The word “sad” was used 12 times in 6 personal statements (see Table 2) and always directly described how the survivors felt as a result of the domestic violence experienced due to their abusive partners.

*Table 2 Mental Health Word Frequency List*

<table>
<thead>
<tr>
<th>Word</th>
<th>Frequency</th>
<th># of Documents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>afraid</td>
<td>24</td>
<td>13</td>
<td>76.47</td>
</tr>
<tr>
<td>scare</td>
<td>19</td>
<td>8</td>
<td>47.06</td>
</tr>
<tr>
<td>sad</td>
<td>12</td>
<td>6</td>
<td>35.29</td>
</tr>
<tr>
<td>fear</td>
<td>11</td>
<td>7</td>
<td>41.18</td>
</tr>
<tr>
<td>angry</td>
<td>8</td>
<td>6</td>
<td>35.29</td>
</tr>
<tr>
<td>nervous</td>
<td>5</td>
<td>3</td>
<td>17.65</td>
</tr>
<tr>
<td>crazy</td>
<td>4</td>
<td>2</td>
<td>11.76</td>
</tr>
<tr>
<td>worry</td>
<td>4</td>
<td>3</td>
<td>17.65</td>
</tr>
<tr>
<td>anger</td>
<td>2</td>
<td>2</td>
<td>11.76</td>
</tr>
<tr>
<td>counsel</td>
<td>1</td>
<td>1</td>
<td>5.88</td>
</tr>
<tr>
<td>craziness</td>
<td>1</td>
<td>1</td>
<td>5.88</td>
</tr>
<tr>
<td>fearfully</td>
<td>1</td>
<td>1</td>
<td>5.88</td>
</tr>
<tr>
<td>nerve</td>
<td>1</td>
<td>1</td>
<td>5.88</td>
</tr>
</tbody>
</table>
“Anger” or “angry” were words used to describe of the way the survivor felt towards their abusers. Some things that made them feel angry included feeling deceived by their abusive partner or angry because of how their partner acted in front of their children; Lucia S said she was angry at her ex-husband after he started cursing in front of their children. Andrea T described feeling angry with her partner after finding out he had lived together with his ex-girlfriend in Florida before moving to Illinois. She also described feeling angry and sad that her partner did not visit her in the hospital after she gave birth to their twin sons. Isabela L explained how her partner became angry when he found out she was pregnant with his child and asked her to have an abortion. She also explained how he got angry with her after his sister accused her to flirting with her husband. Nicole D described her husband as “a person who gets angry very easily and is aggressive”; she even described a time when he was angry with her and hit her on her back with a shovel while she was pregnant with their child.

Many of the survivors described their children as being depressed. Gabriela M explained how her daughter battles depression due to being affected by witnessing the domestic violence between her mother and father. Gabriela said she tries to keep her daughter in sports in order to keep her mind distracted from her depression. Gabriela said of herself that she suffered from depression and had suicidal thoughts but never acted on them because “I thought about my daughter and how they need me”. Maria G said she became very depressed after her oldest son died from meningitis. She described the ordeal as being “the most difficult period of my life”. She attributed the depression to why she left her first husband and was susceptible to entering into an abusive relationship with her abusive partner. Sara G said, “I am no longer sad or depressed” as a result of the domestic violence she suffered. She attributed her recovery to her Christian church and her three children and two grandchildren saying, “they give me the strength
to keep fighting”. Valentina R stated that her children suffered from depression and tried to hurt themselves because of the pain “due to all the things we are going thru [sic]”; alluding to the domestic violence and unstable family life that resulted from it.

Only three of the personal statements declared having a diagnosis of clinical depression. Valentina R stated that she has depression and wakes up in the middle of the night fearing her abuser and feeling worried “that he is free and he continue with his verbal and mental aggressions towards me and my children”. She also mentioned that she sees a psychologist for therapy and takes medication “to calm me down and not have nightmares”. Gabriela M stated “I suffer depression” and has nightmares and is very fearful due to the domestic violence she experienced. Elena F explained that she is treated by a psychiatrist and has been prescribed Citalopram medication for depression. She stated that she takes the medication everyday and depends on her family to help her “every day as I wrestle with the disgrace that have [sic] happened to my life”.

It was mentioned by 5 women that therapy was or could be beneficial for mental health suffering. Elena F described receiving weekly psychological therapy treatment for three weeks while she was unable to work due to her mental health state resulting from her traumatic abuse. She also mentioned that her therapy with a psychiatrist resulted in her prescription for depression medication. Isabela explained that she wrestles with extreme fear and other mental anguish due to her abuse and explained that therapy “helps me feel better”. Samantha P recounted how she was in therapy due to the domestic violence she experienced with her abusive husband. Julia D mentioned therapy in her personal statement because she stated that she felt she needed it but was not currently receiving any therapy. Valentina R explained that she is undergoing
psychological therapy and mentioned some of the advice her therapist gave her regarding her abuser who is the father of her children.

Children

Children, daughter or son were mentioned in 16 of the 17 personal statements by victims of domestic violence. The word “child”, “children” or “kids” appeared a total of 133 times and was the most popular word to recur in the statements (see graph 1 and table 3). The word “daughter” appeared in over 58% of the personal statements (10 total), and the word, “son” appeared in 29% of the statements (5 total). The words child or children were typically used within the context of discussing the survivor’s children, who their father was, where their children lived (whether with them in the United States or abroad in their country of origin), or to explain the survivor’s own childhood. Table 3 depicts a word cloud, showing the word frequencies by different font sizes to illustrate the frequency certain words were used in the personal statements; the word “children” is largest because it was used most often in the personal statements.

*Graph 1 Frequency Word Cloud*
Many survivors explained that the lack of understanding about their rights resulting in them staying in abusive relationships longer than they would have liked because they assumed having no legal status also meant having no rights in the United States. The personal statements revealed that many survivors worried their children would have a worse future without the support of their fathers. Many also feared threats that their spouse would harm their children if they attempted to leave the relationship. Alejandra R. stated, “…I went to live in a shelter with my kids because [I] was too afraid to live in the apartment. All of this was terrible and I don't want to remember it. I want to live in peace with my kids”. Survivor Andrea T stated, “…i have nightmares of Alonso taking the kids i wake up crying… i am so scared… i did it [left Alonso] for them so they wouldn't have to grow up in a violent environment [sic]”. This was confirmed in the interviews with BIA representatives. Jessica Fernandez stated, “…victims are taken advantage of because a lot of times it depends on the situation they are in and their lack of resources, their lack of understanding how the system works and some of the clients don’t even know how to write or read in their native language… They also have a lot of fear because they think they will be placed in removal proceedings.” BIA representative Kevin Woehr explained that many of his clients told him their motivation to apply for a U-Visa was based on their children. Many survivors would tell him, “‘I’m still fighting for my children’s lives’”. Domestic abuse survivor Nicole D stated that her children motivated her to leave her abuser: “I decided to take a decision in my children’s life and my life”. Sofia M. stated that on, “two occasions I thought that life was senseless but my children couldn’t live without their mom”. She also stated, “the fear, the memories [from abuse] are still here with me I try to be strong for my children because they need me”. Sara G explained that her children and grandchildren “give me the strength to keep fighting”.


Many survivors expressed how protecting their children’s safety and providing a better future for them served to motivate them to seek help in leaving abusive relationships. Many statements explained how the abused women remained in the abusive relationship because they felt it would benefit their children; either they felt financially unstable to live on their own with their children, or felt it was better for their children to be together with their father. Valeria R explained that she stayed in her abusive marriage because she felt it gave her children the best access to the healthcare they needed: “I put up with it since it is difficult for them to live like that with their disabilities, seeing so many things”. Valentina R made a similar statement: “I thought it was best to be silent for my children”. Isabela L stated that even when she would try to leave the abusive relationship, she worried whether it was the best option for her children: “Well, since I was desperate, I couldn’t imagine being a single mother with two daughters, so I believed [his promises to change]”. Maria G shared a similar sentiment: “…he came back asking for my forgiveness, promising that he was going to change and that he wanted another chance because he loved me and the children. I was so needy to have a family for my children that I decided to take him in again. But it did not take too long for him to start [drinking] heavily and arguing again”.

Many children were affected by domestic violence both directly and indirectly. Some children experienced verbal and physical abuse themselves in addition to their mothers. Gabriela M stated, “In one occasion, my daughter Janet stood up for me to defend me as he was hitting me, she started arguing with him and then he began choking her”. Valentina R. stated that her husband, “threw gasoline to my stuff that was inside the house… and he put the gasoline inside the house where my children were at”. Some children experienced negative health outcomes linked to the neglect their fathers showed towards their mothers; for some it resulted in the death
of children. Natalia S. explained how she went into pre-term labor while pregnant because a scorpion stung her. This caused her to go into a coma for two days because although her husband witnessed the event he would not seek medical attention. She explained that as a result she had a pre-mature baby with many health problems. This child died at home shortly afterward because she could not afford to pay for a ride to the hospital, and her husband refused to drive her in his car. Some statements mentioned how the domestic violence created long lasting emotional suffering for the children who witnessed the abuse. Gabriela M stated, “My daughters were affected by this situation… they were sad and with fear, the youngest told me that she did not want to go to school and started to cry and she is still affected she cannot hear someone speaking loudly because she gets nervous and with fear. Sometimes where she is depressed and I have to have her in sports so her mind gets distracted.” Samantha P said, “My children and I were emotionally affected by this [abuse]… my children have a low self-esteem, my son is afraid of making his own decisions because his father used to tell him that he was worthless just as he used to tell me… It is hard to be in this cycle of domestic violence because we are not aware of all the damage that would affect the whole family.”

Police

The description of the role of police as described in the personal statements included mention of their role assisting with restraining orders, encouraging the women to seek help from their abuse, fear many women felt toward police, ways they felt intimidate by police or that they were helpful or unhelpful in their struggle to leave their abusers. All of the 17 personal statements mentioned police in some way; the word “police” was the fifth most common word used in all the person statements (see table 3). This is likely because all the women in this study
had legal proof of domestic violence abuse in the form of the I-918 certificate they received from the police authorities and cooperation with police is vital for applications for U-Visas.

Table 3 Overall Word Frequency List

<table>
<thead>
<tr>
<th>Rank</th>
<th>Word</th>
<th>Frequency</th>
<th>Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>child</td>
<td>133</td>
<td>13</td>
</tr>
<tr>
<td>2</td>
<td>live</td>
<td>86</td>
<td>14</td>
</tr>
<tr>
<td>3</td>
<td>daughter</td>
<td>80</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>call</td>
<td>77</td>
<td>16</td>
</tr>
<tr>
<td>5</td>
<td>police</td>
<td>73</td>
<td>15</td>
</tr>
</tbody>
</table>

Many personal statements had positive descriptions of police. Maria G compared the police in the United States with police in Mexico: “Being in the presence of a police officer make you feel protected and dealing with the police in the US is safe. But in Mexico you cannot count on the police”. Nicole D. made it a point to explain that she, “cooperated with the police in everything they asked me to and I went to all the courts where I was required to attend”. Sara G. stated that coming to the United States made her feel better about her outlook on life “felt better because I knew that the police did help here”. Sofia M also pointed out her trust in police: “I cooperate With the police and the court because I did not want anything bad to happen to me and to my children”. There was only one personal statement that mentioned any negative opinions of the police; Valentina R stated, “I remember the policeman told me that if I keep calling them the next time I will be arrested. My life changed because I felt unprotected, my life was in his hand”.

Mention of the word “police” in the personal statements typically coincided with the word “call”. Andrea T mentioned calling police in her statement: “she was going to call police and he said he didn't Care to call it”. Alejandra R said, “I told them to call the police”. Elena F.
said of her abuser: “He said ‘Don’t call the police’”. Isabela L stated that her abuser manipulated her with the fear of calling the police, stating, “I never left because I was afraid he would call the police and deport me”. Natalia S said that her brother-in-law warned her not to, “call the police because I was illegal and they would deport me”. Maria G. stated, “we had to call the police again” when her ex-husband returned to her house despite a restraining order. Some women felt empowered by their ability to report their abuse to the authorities; this helped many cope with their abuse, as will be described in the next section.

Coping

Descriptions of how abused women coped in this study occurred in 76% of all personal statements. Almost 71% described how power dynamics affected their ability to cope (See Table 4). The coping was related to power in the form of dominance, powerlessness or empowerment. The women described how their partner’s dominance over them made it difficult to cope with the abuse, many times it made them feel powerless. Valeria R stated that after she and her partner had two children with severe physical disabilities he would make her feel powerless over the situation by blaming her; “I had just given birth and he came again several times blaming me for what had happened to the children”. Ximena R also described a feeling of powerlessness: “I always depended on him economically so felt that I could not do anything… when I saw my children knowing that I did not have a place for them and without money because he never allowed me to work”. Some women described a feeling of empowerment when they left their abusers or when they felt supported by others. Sara G explained that her children and grandchildren “give me the strength to keep fighting”.
Table 4 Coping Theme Frequencies

<table>
<thead>
<tr>
<th>Coping Name</th>
<th>Frequency of Statements</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power</td>
<td>12</td>
<td>70.59</td>
</tr>
<tr>
<td>Strategies</td>
<td>9</td>
<td>52.94</td>
</tr>
<tr>
<td>Religion</td>
<td>8</td>
<td>47.06</td>
</tr>
<tr>
<td>Survivor</td>
<td>3</td>
<td>17.65</td>
</tr>
</tbody>
</table>

Some women used strategies to help them cope such as by finding ways to manage the feeling of helplessness. Valeria R explained that the strategy behind why she stayed in her abusive marriage was because she felt it gave her children the best access to the healthcare they needed: “I put up with it since it is difficult for them to live like that with their disabilities, seeing so many things”. Valentina R made a similar statement: “I thought it was best to be silent for my children”. Ximena R managed her feeling of helplessness by seeking an order of protection so her husband would not assault her. Some women had less constructive strategies to help them avoid feeling overwhelmed. Sofia M explained that on, “two occasions I thought that life was senseless but my children couldn’t live without their mom”. Natalia S even took measures to attempt suicide: “One day [I was desperate] and I took a whole bottle of pills”. Elena D also “took innumerable pills” out of desperation due to the psychological pain she experienced from her abuse.

Many of the personal statements included some mention of how religion helped them cope with abuse. Andrea T mentioned that she prayed for God to help her raise her children without a father figure after leaving her abusive husband. Samantha P explained that she thanked God that she was no longer in the abusive relationship. Natalia S attributed her recovery from a severe health condition that was intensified by her husband’s neglect as “God [bringing] me back to life”. Natalia also explained that her husband’s neglect caused her and her children to be
without food but she always felt that God was helping her: “I felt like I didn’t have strength to go on, but my God has never left me alone”. Isabela L mentioned how the domestic violence cause her mental, physical and spiritual anguish. Sara G mentioned how her church community helped in her ability to cope with her abuse: “I attend a Christian church where both the pastors and the people have helped me a lot”. Some women explained how their strength to move forward despite their abuse helped them identify as survivors rather than victims. Nicole D said, “I am a survivor of domestic violence”.

Some survivors described work as a way of helping to cope with the domestic violence they endured in the past. Isabela L stated that after leaving her abusive spouse, “Immediately I put myself to work and moved forward with my daughters but that man wouldn’t stop bothering me”. It was important to some survivors to be able to work in order to feel normal and in control of their lives. Elena F stated, “I wasn’t able to work for three weeks while I waited for order from the police department, during that time I received weekly psychological therapy.” Natalia S stated that after leaving her abusive partner, “I continue to work hard to continue to help my children”. Ximena R stated that her abusive husband would not allow her to work because he wanted her to be powerless and dependant on him: “I always depended on him economically so felt that I could not do anything… [I was] without money because he never allowed me to work”. Isabela L made a plea to the immigration office that may read her personal statement saying, “I am asking for a warning because I need social security to be able to work in peace without being afraid to be deported”. Maria G also made a plea to the immigration officer reading her personal statement saying, “I am able to work and support my children here, as I have been doing for a long time”. Ximena R also wrote to immigration stating, “I’m asking for this petition to allow me to work legally and being here legally so I can work to support my children”. The ability to work
to support one’s family was somewhat different than the cultural expectations many of the women expressed from this study. Other socio-structural categories will be discussed in the following section.

*Socio-Structural Categories*

I used the term *socio-structural categories* to code for themes in the victims’ personal statements that are shared expectations based on their culture. Gender-based social constructs “justify violence by linking it to beliefs about gender roles, sexuality, and biology” (Asencio 1999: 107). Domestic violence related to socio-structural categories appeared in 82% of all the personal statements reviewed. The most commonly mentioned cultural norm sub-theme included that of drug or alcohol use, appearing in 76% of all personal statements. In many parts of Latin America, excessive alcohol use is not considered a problem but instead, “an entitlement or a reward for hard working” (Garcia and Gonzalez 2009: 52). Although intoxication and male dominance can sometimes be seen as culturally acceptable, they do not necessarily result in domestic violence. They were however mentioned a great deal in the personal statements and attributed by the victims as playing into the abusive behavior their partners displayed toward them.

For many of the women in this study, physical abuse was inflicted while their abuser was actively drinking, already drunk or intoxicated by illegal drug use. Elena F stated, “he pulled my hair and hit me in my face each time harder than the last I yelled begging him to stop… he stood up and left the car and returned with two bottles of alcohol. He took drinks directly from the bottle and continued”. Isabela L said of her ex-boyfriend, “The way he looked at me when he arrived scared me because he was drunk… He pushed me very hard against my vanity and he hit me many times in my head and he slapped me, pulled my hair, and he put his hands around my
neck and tried to [choke] me and while I struggled with him he said many offensive things to me”. Gabriela M explained how her abusive husband would arrive home “drunk and sometimes drugged, he smelled like marijuana and I know he used other kind of drugs such as cocaine. When I was asleep, he took me out of bed by hitting me, sometimes he placed the pillow on top of my face to suffocate me and sometimes he hit me on the head”. Usually the abuser would injure the victim while he was intoxicated but Maria G explained how her abusive husband would destroy her property while drunk: he “was drunk and started throwing clothing, tables, boxes, toys, and our daughter's stroller out of the balcony, trying to land the objects around our car…The police came to our house…I was so ashamed”. Natalia S described an incident when her abusive husband set a fire to their home while their one year old son was locked inside. She explained, “my son was almost one year old, he [the father] was drinking and he came home like he always did fighting and yelling. He threw all my things outside, but he didn’t let me take my son. And he bolted the door and window and started a fire…he [the father] was so drunk that he fell asleep. I managed to break the window with rocks and was able to get my son out”.

The subtheme of male dominance occurred in 29% of all personal statements, which was not surprising given that, “gender-based violence derives from systems of beliefs that legitimate a male’s use of violence to control a female’s behavior” (Asencio 1999: 108). Natalia S explained that her parents “never found out about my suffering… back in those days, one had to put up with one’s husband; the husband was the one who ruled”. She avoided bringing attention to her abuse because she knew that her culture expected her husband to be the dominant partner and she should be subservient to him. Nicole D explained how she “went to visit my grandmother in Zihuatanejo; I thought it was the perfect time for me to continue my life away from my ex-husband. However, my grandmother told me your place is next to your husband”. I
also described this type of cultural norm in the way that I sub-coded “known abuse” with “encouraged not to tell anyone”, “expected to endure abuse”, and “women’s role” (See Graph 2).

Graph 2 Coding Map of Socio-Structural Category Themes

Some of the examples of male dominance had cross over with the subtheme of expectation for change. Women like Maria G felt her role as a woman was to remain married to her husband even though he was abusive she hoped he would change. Maria G stated, “I always believed that he was going to change and gave him many chances. It would get better for a while and then he would start the violence again.” Isabela L left her abusive boyfriend for a short while but said that he “convinced me that we should live together like the family I always wanted”; here she attempted to break with cultural tradition and separate from her abusive partner but was drawn back by an idealized hope for a traditional family which likely included a dominant male head of home.
Insight from Interviews

The BIA representatives appeared to have different ways to approach the difficult task of proving substantial mental health suffering. Kevin W. stated, “[it] helps… getting a letter from a therapist showing that they are attending counseling or therapy… The therapist can maybe see how they were scarred or traumatized”. Jessica F. said, “it’s hard to prove [mental health abuse] when we are filing for the U-Visa especially if the victim doesn’t go to a therapist or counselor or social worker”. Sarah F. said that, “some representatives will send folks to get mental evaluations done. We tend not to, its expensive and there’s oftentimes better, cheaper ways to document that.” The fact that it is so difficult to prove suffering because the definition is ill-defined points to the difficulty of proving certain forms of suffering are more deserving of humanitarian relief in the form of immigration benefits than other forms of suffering not related to domestic violence. Kevin W. said that in addition to using the police reports and certificate of helpfulness, “we got to argue and beef it up somehow for immigration… I think it’s very weird for someone to have to prove that they’ve suffered more”.

Sarah F. stated that U-Visas require proof of substantial suffering beyond mild forms of suffering: “in U-Visas we have to establish substantial suffering… ‘substantial’ is kind of a grey area in the law… it is kind of a threshold that’s higher, in the case of domestic violence, than for example a bad marriage”. Based on her account, which exemplifies what is a general tendency in other accounts, it appears that the idea of suffering is difficult to define and therefore victims are encouraged to discuss evidence of substantial suffering through mental health abuse and emotional pain. The concept of biological citizenship is apparent here because evidence is required by the government to prove someone deserves immigration benefits based on their physical and mental health abuse. The need to prove one’s suffering is difficult and requires the
government to place certain lives at higher significance than others. In this way, mental health is strategically used to add additional evidence to the suffering they experienced as a result of domestic violence. This could be an area that USCIS could improve by making more explicit definitions of what suffering is and how to prove it; as it is now, it appears that the definition of suffering is unclear and therefore difficult to prove.

The community members I interviewed described other areas where improvements could be made to better support undocumented survivors of domestic violence. Sarah F. stated: “congress has a statutory limit of 10,000 visas… which is not nearly enough. Because of the volume of folks who qualify for this provision there is a backlog of upwards of 10 years”. Kevin W. also stated: “the government doesn’t issue enough Visas… there’s this huge backlog that’s kind of ridiculous”. Catherine N. stated: “the cap on U-Visas being 10,000 per year is very low. That would be a congressional fix”. Community members also explained that they felt the participation of law enforcement in signing off on I-918 certificates was unfair because a police officer can refuse to sign the document and does not have to give any reason for why. Kevin W. also argued that this is not fair because of the fact signing the certificates are “discretionary and there needs to be more advocacy as to why they should [help with the certificates]”. Police sergeant Joel V. described other police departments in his county as being “racist” and refusing to sign off on the I-918 certificates because they did not like undocumented people or Latinos. Jessica F. explained that she felt it was “very important to educate the [undocumented] community about the option they have to break those myths [about deportation]”. Catherine N. also stated that victims of abuse needed more resources regarding their rights. She stated, “I… think law enforcement should be more aware of the dynamics in an abusive situation and refer people… because they are often the ones having the first contact with the victims”. 
Chapter 4: Discussion

The data collected through personal statements revealed that the use of mental health is strategic in the applications for U-Visas; the non-profit agencies that assist in applying for U-Visa and the victims of domestic violence are collaboratively strategic. This is done in order to emphasize their suffering beyond physical abuse in order to claim immigration rights. These findings highlight how immigrants’ struggles are valued differently by the state depending on their nature. Undocumented immigrants who have experienced extreme hardships and crimes leading to physical, mental and emotional suffering are treated as more deserving of humanitarian relief in the form of immigration status than the exploited, systematically abused and mistreated undocumented immigrants who also seek a better future in the United States.

Many undocumented immigrants would like to apply for legal immigration status but currently have no pathway available to them. The theoretical concept of structural violence helps explain why the participants in my study experienced inequalities that led to their abuse. Their biopolitical insecurity (meaning how their biologic and medical data are used by the government to control the population) in the United States due to undocumented immigration status is inseparable from systems of oppression and inequality resulting from social and political systems of oppression in their countries of birth (Mexico and Guatemala). For example, Natalia S said she was raised to accept abuse because “one had to put up with one’s husband; the husband was the one who ruled”. Maria G pointed out the way the government in Mexico did not protect its citizens equally stating, “in Mexico you cannot count on the police”. These political and social forms of oppression show how Latinas are structurally marginalized. It also shows how victims are prevented from having equal access to resources for help and have a restricted sense of agency that could have made it easier to leave their abusive partners.
Interpreting Results

A surprising result I observed in the data I collected was the way survivors described their children in personal statements. Although families provide “some consistency and support for immigrant members to overcome the often difficult adjustment period of settlement in a new country,” I did not expect to read as much detail about the role children played in the lives of the survivors (Abrego and Menjivar 2011: 10). Studies have shown that Latinas who have been victims of domestic violence report more parenting stress due to their child’s behavior than non-Latina women (Edelson, Hokoda and Ramos-Lira 2007: 1).

Some women in my study feared they needed to stay in the relationship for the benefit of their children. Many later realized they needed to leave the abusive relationship because it was causing harm physically, emotionally or mentally to the children. Undocumented youth and children of undocumented parents, “experience a considerable number of mental health problems that if not caused by, are likely to be aggravated by present inhumane immigration enforcement policies and activities” (Delva et al 2013: 30). Many of the women worried they wouldn’t be able to provide for their children if they left the abusive relationship because they feared deportation if their abusers reported them to authorities; “immigrant mothers' situation is tenuous and tension-filled because the threat of deportation always looms on the horizon” (Abrego and Menjivar 2011: 22). Many described feeling relieved once they discovered that contacting the authorities would not necessarily cause them to be deported despite have no legal status.

It was also not unexpected that all but one participant described the police in a positive manner. This was likely because their application depended on the I-918 certificate that could only be obtained with the signature of a police officer. Many of the women described being fearful of police initially because of a fear of deportation which is not unusual since “fear and
stigma… can stand as barriers to claims-making “ (Abrego and Menjivar 2011: 354). However, most described gratitude for the help they received from police in order to escape their abusive relationship and in order to apply for a U-Visa.

The different manners of coping with abuse that the women described were in accordance with what I expected due to the abuse they experienced. Many women expressed feeling powerless in their abuse. Almost all of them expressed a sense of empowerment due to leaving the abusive relationship and because of the hope that the U-Visa application provided for their future. As mentioned earlier, many women coped with the abuse by focusing on their children to give them a sense of purpose or motivation to strive for a better future.

Conclusion and Recommendations

This research on undocumented Latinas and the legal advisors who provide services to them has shed light on an important dimension of immigration law that shows how they work together to create proof of suffering. When I started this study I wanted to know if the victims were felt compelled to give an expansive retelling of the effect the crime and abuse had on their mental health even if it was not required of their application. As I conducted my research I realized that the victims worked together with their legal advisors who helped guide them in the way to show proof of their suffering using their personal statement written accounts. In the process it became apparent that the whole process of proving ones suffering was problematic and imposed on the victims by the US immigration system.

The way the humanitarian clause in immigration law allows for U-Visa petitions to support victims of certain qualifying crimes perpetuates inequality by placing more importance on suffering as a legitimate cause for legal immigration than on exploitation due to political,
economic or social causes. The need to prove one’s suffering in order to benefit from a U-Visa touches on concepts of deservingness and illegality in immigration. The idea that some people are more deserving of legal immigration while others are less deserving legitimizes the denial of human rights and judges one’s worth of life as better than another’s. The concept of illegality, in which a country decides who is illegal and who should be legal creates unfair immigration laws that exclude vulnerable populations.

Immigration law states that proof of physical or psychological suffering as a result of a crime (in this case domestic violence) must be displayed in order to qualify for the U-Visa but showing proof of documented physical violence was not enough to have one’s application accepted by immigration. The legal representatives learn how to work through the legal bureaucracy of humanitarian immigration law. They collaborate with victims on creating a strategic account of their suffering through their personal statement to submit with their U-Visa application. The legal representatives know what immigration is looking for and although they don’t tell the victim what to say, they encourage them to give accounts that will display a version of suffering that will help facilitate their application. The victims of abuse are able to take claim of the U-Visa immigration benefits as a result of their biological citizenship; they can make claims to political entitlements like immigration status, due to their physical and psychological suffering due to the crimes they experienced in the United States.

It is difficult to try to prove one’s suffering and deservingness for immigration relief because USCIS does not have a clear definition of what is meant by “suffering”. Proof of physical abuse helps to prove suffering but mental and emotional suffering are not as easily documented; for this reason the personal statements are useful in helping the victims elaborate on the extent of their suffering. BIA legal representative, Kevin W. said that personal statements
needed to be beefed up to prove to immigration that the victim suffered from the crime. The legal definition of suffering is ambiguous but its broad definition can be helpful. A narrow definition can be more exclusive, while a broad definition could potentially include more opportunity for victims of crimes to be able to claim the humanitarian benefits that U-Visas offer. An area for future research could include comparing the personal statements of victims of domestic violence applying for U-Visa at other non-profit ILS offices in the Chicago area and across the United States.

Due to limitations in this study and access to victims directly, I was not able to interview the survivors themselves. It would have been helpful if I could have shadowed the original meetings between survivors and the BIA representatives. This would have allowed me to observe their interactions and possibly ask some clarifying questions without interrupting the process of their application. If there had been more time, it would have been interesting to interview BIA representatives from neighboring non-profit legal offices to compare their responses or compare the personal statements used in other non-profit legal offices.

It is my hope that this research is not used by anti-immigrant supporters to maintain the dangerous rhetoric that immigrants manipulate the law in order to work around immigration rules. Instead I argue that immigration laws are flawed as they stand and do not represent our history as a nation of immigrants. Immigration should allow easier access to legal migration by offering more work visas for immigrants coming into the United States and better paths towards citizenship for undocumented immigrants already present. This would create safer entry into the country and avoid dangerous border crossings. It could also reduce inequalities that play into the vulnerabilities many of the women in my study were subject to because they were too afraid to leave an abusive partner; most feared being reported to immigration and being deported if they
reported their abuse. While U-Visas help create a better future for survivors of domestic violence, it does nothing to address the structural violence that causes it. The United States should also partner with countries where many undocumented immigrants come from in order to help create structural improvements that create more options to remain in one's country of birth.
Appendix I: Letter of Agreement from World Relief

Letter of Agreement

Monday, June 13, 2016

To the Crighton University IRB:

We are familiar with Stephanie Kohl’s research project entitled “A Case Study of the Role of Domestic Violence and Mental Health in the Path to Lawful Presence”. I understand World Relief’s involvement to include allowing Stephanie to gather data by accessing victim statements inside World Relief’s Wheaton office and allowing her to conduct interviews with some of the staff.

We understand that this research will be carried out following sound ethical principles, that participant involvement in this research study is strictly voluntary, and that confidentiality of participants’ research data is ensured, as described in the protocol.

Therefore, as a representative of World Relief, I agree that Stephanie Kohl’s research project may be conducted at our agency/organization.

Ruth Velazquez
Citizenship Coordinator
World Relief DuPage
T 630.462.7660 x 1066
E rvelazquez@wr.org
Appendix II: Informed Consent Document

Research Informed Consent

CREIGHTON UNIVERSITY RESEARCH INFORMED CONSENT

Protocol Title
Protocol Number
Principal Investigator’s Name and Department: Stephanie Kohl, Medical Anthropology
Principal Investigator’s Address and Telephone Number:
Cell phone contact

INTRODUCTION
This research sets out to understand how undocumented women that are victims of domestic violence gain benefits through U-Visas. My research investigates the intersection between the role mental health plays in building a victim’s case to receive benefits from U-Visas and how it is used as a form of currency to prove one’s deservingness to gain such benefits. Using structural violence as a theoretical framework, I hypothesize that mental health status will be used as a key component in building a victim’s case in applying for U-Visa benefits.

I invite you to participate in my study through allowing me to conduct a semi-structured interview. I selected you because of your involvement working with undocumented immigrant victims of domestic violence. I am available to answer any questions you may have about this project.

Study Purpose and Procedures
• This study involves research.
• The purposes of the research is to better understand the relationship of mental health with immigration in cases of domestic violence involving undocumented immigrants
• Your participation is expected to take between 15-60 minutes.
• The procedure of the interview will involve asking some basic prepared questions and the interviewee’s responses. The interviewee is encouraged to elaborate on topics they deem important and can skip any question.

Benefits of Participating in the Study
• There are no direct benefits to the subject can be expected.

Risks of Participating in the Study
• There are no expected risks and/or discomforts to this research; there is no more risk than is encountered in everyday life expected.

Confidentiality
I will do everything I can to keep your records confidential. However, it cannot be guaranteed. I may need to report certain information to agencies as required by law.

Both records that identify you and this consent form signed by you may be looked at by others. The list of people who may look at you research records are:

- The investigator and his or her research staff and students
- The Creighton University Institutional Review Board (IRB) and other internal departments that provide support and oversight at Creighton University.

I may present the research findings at professional meetings or publish the results of this research study in relevant journals. However, I will always keep your name, address, or other identifying information private.

**Disclosure of Appropriate Alternatives**

- This interview is completely optional and interviews may be terminated at any time. There are no other alternatives foreseeable to this research.

**Compensation for Participation**

- There is no compensation for participation in this interview.

**Contact Information**

- Please contact Stephanie Kohl for any questions at: [612-281-5477], or stephaniekohl@creighton.edu

**SIGNATURE CLAUSE**

You are free to refuse to participate in this research project or to withdraw your consent and discontinue participation in the project at any time without penalty or loss of benefits to which you are otherwise entitled, or any effect on your medical care.

*My signature below indicates that all my questions have been answered. I agree to participate in the project as described above.*

________________________________________

Printed Name of Subject

_________________________       _______________________

Signature of Subject           Date Signed

The Creighton University Institutional Review Board (IRB) offers you an opportunity (anonymously if you so choose) to discuss problems, concerns, and questions; obtain information; or offer input about this project with an IRB administrator who is not associated with this particular research project. You may call or write to the Institutional Review Board at
(402) 280-2126; address the letter to the Institutional Review Board, Creighton University, 2500 California Plaza, Omaha, NE 68178 or by email at irb@creighton.edu.

*A copy of this form has been given to me.*  

________ Subject’s Initials

**For the Research Investigator**—I have discussed with this subject (and, if required, the subject’s guardian) the procedure(s) described above and the risks involved; I believe he/she understands the contents of the consent document and is competent to give legally effective and informed consent.

__________________________________________  
Signature of Responsible Investigator  
__________________________________________  
Date Signed

**Bill of Rights for Research Participants**

As a participant in a research study, you have the right:

1. To have enough time to decide whether or not to be in the research study, and to make that decision without any pressure from the people who are conducting the research.
2. To refuse to be in the study at all, or to stop participating at any time after you begin the study.
3. To be told what the study is trying to find out, what will happen to you, and what you will be asked to do if you are in the study.
4. To be told about the reasonably foreseeable risks of being in the study.
5. To be told about the possible benefits of being in the study.
6. To be told whether there are any costs associated with being in the study and whether you will be compensated for participating in the study.
7. To be told who will have access to information collected about you and how your confidentiality will be protected.
8. To be told whom to contact with questions about the research, about research-related injury, and about your rights as a research subject.
9. If the study involves treatment or therapy:
   a. To be told about the other non-research treatment choices you have.
   b. To be told where treatment is available should you have a research-related injury, and who will pay for research-related treatment.
Appendix III: Sample Interview Questions

1. Could you tell me more about your work with Immigrant Legal Services (or Police Enforcement) and explain what drew you to this type of work?
2. Could you tell me more about your work with undocumented migrant women applying for U-Visas?
3. How familiar were you with U-Visas prior to working here?
4. What has surprised you through your work with U-Visas?
5. Walk me through a typical encounter with your female clients who have experienced domestic violence.
6. What are some common inadmissibility’s that you see?
7. Do you think mental health has any impact on U-Visas?
8. Do you think victims have to prove they are in a current state of stability when they are applying?
9. Do you think it makes any difference whether they express their mental health suffering in their personal statements?
10. Do most of your clients get their U-Visa application accepted with immigration?
11. Are your clients are typically able to break free of the cycle once they are granted legal status?
12. How have you been affected personally by your work?
13. How do you cope with the heavy nature of abuse that you encounter?
14. Do you have any advice on how to better serve women who are undocumented victims of DV?
15. Do you think immigration processes have room for improvement?
16. Is there anything else you would like to share?
References


Whitley, Rob. 2014.


World Health Organization