



n a p a w f
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Violence Against Women Act 2005

APA Women and the Violence Against Women Act 2005 (VAWA III)

Since 1994, VAWA has provided vital funding, programs, resources, and protections for victims of domestic violence and sexual assault. For Asian Pacific American (APA) women, VAWA has provided funding for culturally competent services, protections for immigrant victims of domestic violence, and support for community-based APA organizations.

VAWA 2005 (H.R. 3402) extends funding for vital domestic violence programs and offers protection to victims of violence.

Why is VAWA III Critical for APA women?

- APA women have one of the highest domestic violence fatality rates in the nation. According to a Massachusetts study, 18% of women and children killed in domestic violence-related homicides in the state were Asian, although Asians represented only 3% of the state's population. VAWA will provide funding for organizations to assist APA women before the violence escalates to homicide.
- One study of South Asian women in heterosexual relationships found that 40% of the participants revealed that they had been sexually or physically abused by their current male partners. VAWA provides funding to culturally appropriate direct service organizations.
- Studies suggest that women involved in internationally brokered marriages are at risk for domestic violence due to the unequal power balance in the relationships (i.e. dependent on spouse for legal status). Asian women, primarily from the Philippines, make up a large percentage of women using international marriage brokers to meet potential spouses. VAWA III includes the International Marriage Broker Regulation Act (IMBRA), which provides foreign women with criminal background information on their potential spouses and information on domestic violence resources.
- As of 2000, 69% of APAs in the United States were foreign born. VAWA III contains several provisions that give both documented and undocumented immigrant victims of domestic violence critical protections.
- One study found that 61% of Japanese immigrant and Japanese American women experienced some form of physical, emotional, or sexual violence that they classified as abusive. VAWA provides funding for programming that will assist community-based organizations implementing preventative programming and community outreach to address domestic violence.

Significant Provisions of VAWA

VAWA's provisions seek to provide economic, legal, and direct service support to immigrant victims and remove the threat of deportation that keeps many locked in abusive relationships. VAWA proposes a comprehensive approach to domestic violence prevention by providing vital funding to organizations, training to law enforcement, and support to community outreach and education. Below are some significant provisions of VAWA, please read the text of the bill to learn more about all of VAWA III's important provisions.

- **Funds Direct Services for Sexual Assault Victims:** Provides vital funding for direct service programs assisting victims of sexual assault.
- **Prevents eviction of domestic violence victims:** Prevents landlords from evicting victims of domestic violence due to the acts of their abusers. Prevents withdrawal of housing subsidies of victims of domestic violence due to the acts of their abusers.
- **Preventative Approach:** Funds and supports community programs that promote prevention of violence before it occurs.
- **Culturally and Linguistically Appropriate Services:** Provides funding to programs offering culturally and linguistically competent services for communities.
- **Includes Teens and Children in Service Provisions:** Broadens VAWA's service provisions to include children and teens.

- **Grants work authorization to abused spouses of certain professionals (specialty occupations, diplomats, international organization employees, Australian investors)*:** Enables abused spouses in the United States on visas that are tied to their husband's work visas to have access to an income source independent of their abuser, a key first step freeing them to flee the abusive marriage with their children.
- **Protects Victims of Child Abuse and Elder Abuse*:** Allows for child abuse victims, including incest victims, to no longer be cut off from immigration relief when they turn 21 and enables them to receive permanent residency along with their self-petitioning parents. Enables abused adopted children and elder abuse victims to receive VAWA immigration protection for the first time.
- **Arms foreign fiancés with information about their U.S. citizen fiancé*:** Deters filing of fiancé visa applications by U.S. citizens with criminal backgrounds and requires disclosure of information about the U.S. citizen's convictions to fiancé visa applicants and limits the filing of successive fiancé visa applications by abusive citizens. Importantly, foreign born spouses and fiancés will receive information about U.S. laws, resources, and services for domestic abuse survivors.
- **Guarantees Access to Immigration Courts for Immigrant Victims Who Qualify for VAWA Immigration Relief*:** Guarantees immigrant victims who qualify for VAWA immigration relief their day in court before an immigration judge.
- **Enhances protections for trafficking victims*:** Reunites trafficking victims with their family members from abroad who are in danger of retaliation from traffickers, and increases access to permanent residency for victims of severe forms of trafficking who are cooperating in trafficking prosecutions.
- **Guarantees driver's licenses and state identification cards to victims of domestic abuse, sexual assault, or trafficking*:** Does not require victims to furnish their physical residential address. Ensures that victims who qualify for confidentiality programs will not be endangered by new driver's license laws imposed by the REAL ID Act of 2005.

Recommendations

We must follow up with our Senators, Representatives, local organizations, and state agencies to ensure that funding is directed towards appropriate and necessary programming for APA communities. **Stay connected to VAWA's outreach to communities of color to ensure that APA communities have access to vital programs and services!!**

- **Learn more about the impact of domestic violence in the APA community:** Volunteer with an APA domestic violence agency or refer someone you know who could utilize culturally appropriate services. For more information visit the websites of these APA domestic violence advocacy/prevention/ service organizations:
 - Asian and Pacific Islander Institute on Domestic Violence: www.apiahf.org/apidvinstitute.
 - Asian Women's Shelter: www.sfaws.org.
 - Chaya: www.chayaseattle.org.
 - Korean American Women in Need (KAN-WIN): www.kanwin.org.
 - Manavi: www.manavi.org.
- **Learn more about VAWA:** To read the text of the bill, visit <http://thomas.loc.gov> and enter key words: Violence Against Women Act or bill number H.R. 3402.
- **Support Asian domestic violence prevention organizations:** Support APA DV prevention organizations financially or by contributing your time. Community support helps to sustain these community-based organizations.
- **Demand that more research be conducted on Asian women and domestic violence:** Demand that current research include Asian women and that the data is disaggregated by ethnic subgroups (to give an accurate illustration of the prevalence of domestic violence in Asian communities). Also advocate for the inclusion of gay, lesbian, and bisexual Asians in these studies. Invisibility is not acceptable when the stakes are so high and the consequences are so harmful for Asian communities.

*Information on VAWA III's immigrant provisions has been provided by Legal Momentum's Immigrant Women Program. To learn more about the Immigrant Women's Program, please visit www.legalmomentum.org.

Other Sources:

Family Violence Prevention Fund, Violence Against Women Act 2005, at www.endabuse.org.
National Task Force to End Sexual and Domestic Violence Against, VAWA summaries and provisions, at www.vawa2005.org.