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VAWA IN THE LIVES OF BATTERED SOUTH ASIAN WOMEN IN THE UNITED STATES

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The slapping, pinching my skin until bruises appeared, and twisting my arms behind my back began three days after my wedding. I thought this was the strain of the wedding and will pass when we start living together. But it never stopped. In a new country who would I talk to, who would listen to me? He kept saying no one would believe me, I don't even speak English! He kept saying he will kick me out of the home in this country. My parents don't want me back, they will be ashamed. They gave me a big wedding and expect me to be with my husband forever. My relatives will say 'she hasn't been able to satisfy her husband; she must have done something . . . My husband says, "You have nowhere to go, you are my naukrani,"¹ and that's how you will stay." I have no choice.

As an advocate, I have heard some variation of the above lament in numerous South Asian languages since 1985, when I was fortunate enough to be a part of a six women team to co-found Manavi² in New Jersey. Organizing around intimate partner violence against women in a community that took overt pride in being a 'model minority' was difficult to say the least.³ While the South Asian community denied the existence of all social ills, the mainstream⁴ anti-domestic violence agencies of the time

¹ Naukrani is a Hindi term that means 'housemaid.'

² Manavi is the first community-based organization that focused on violence against South Asian women in the United States. See *About Us*, MANAVI.ORG, <http://manavi.org/about-us/> (last visited Dec. 22, 2014).

³ Anannya Bhattacharjee, *The Habit of Ex-Nomination: Nation, Woman, and the Indian Immigrant Bourgeoisie*, 5 PUBLIC CULTURE 19-44 (2002); Shamita Das Dasgupta, *Women in Exile: Gender Relations in the Asian Indian Community in the U.S.*, in CONTOURS OF THE HEART: SOUTH ASIANS MAP NORTH AMERICA 381-400 (Sunaina Maira et al. eds., 1998).

⁴ By 'mainstream,' I mean the ideas, attitudes, activities, and practices that are

disregarded South Asian women's distinct needs under the argument, 'you are in this country now, therefore...' Yet, South Asian women's experiences of abuse in the home were palpable enough to warrant an organized community based response that was linguistically appropriate and sensitive to cultural nuances. Manavi's birth was based on this premise.

By the time Manavi was gearing up to operate effectively and the self-taught advocates were learning the ropes, a daunting barrier appeared in the guise of Immigration Marriage Fraud Amendments (IMFA) in 1986. IMFA was passed to balance extensive immigration based on family reunification and fraudulent marriages, and may have had men in the crosshairs. However, in South Asian communities, battered women became the unwitting victims of the decision. Stories of women being terrorized by their violent husbands who could, at whim, render them deportable residents of this country, abounded. IMFA became a tool of abuse in the hands of violent spouses who successfully thwarted the timid bids of escape by their immigrant wives by vowing to throw them out of the country in ignominy. The best that we as advocates could do for women is to help with individual appeals for permanent grounds under their feet and gather each case for some unknown use in the future.

As a community based and volunteer led organization, Manavi had little financial backing to develop systematic and consistent responses to the victims and perpetrators of intimate abuse. It persevered with tiny donations from individuals who believed in the issue and minuscule grants from small foundations. Even though there were non-governmental anti-domestic violence agencies in every state and county, South Asian women were invisible in this panorama. The South Asian battered women's movement was gathering force when we received requests for sending in stories of women who have experienced 'immigration abuse.' That is, women who have had to endure their spouses' brutalities lest they are made 'illegal' in this country. We were galvanized into action. Manavi sent in women's stories and testified in front of a commission that was convening meetings of community based organizations to gather information around the country. Those pieces of lives of women that we shared then became a part of the fabric on which VAWA was passed in 1994.

While VAWA-1994⁵ provided an escape route for battered immigrant women, it still required them to lay a trail of police reports and help seeking records from advocacy agencies to provide credibility for their complaints. For South Asian women, who attempt to salvage their marriages until the last moment, such a condition was tantamount to abandoning them to their

considered 'normal' and conventional. These tend to be related to the dominant community in a nation.

⁵ Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. §13701 (1994).

abusers' control. Consequently, the resource remained out of the reach of most South Asian battered women. Nonetheless, advocates realized that the policy was mandated to support battered women's charges against their abusers. Even though there were serious gaps in knowledge of domestic violence practitioners, and the law enforcement regarding the lived circumstances of South Asian women and the barriers to their seeking help, these could be ameliorated by education and sensitivity training. With the availability of funds from the VAWA allocation, this was now a viable possibility.

The protection of immigrant battered women that VAWA-1994 offered was extended in the later reauthorizations that eliminated the need for professional affidavit and police record and made South Asian battered women's search for legal residency easier. Although calling the police for help has remained a challenging hurdle for South Asian women due to cultural prohibitions, it has become slightly more acceptable due to the encouraging collaborations between community based agencies and domestic violence practitioners including the police. Large numbers of battered women in the South Asian community are aware of the options of self-petitioning and U-visa to remain cowed by the threat of willful deportation by the abusers.

There are numerous other provisions of VAWA and its subsequent reauthorizations, from interstate enforcement of orders of protection, creation of T visas, and encouragement of legal assistance programs, to recognition of stalking and dating violence, that provide welcome assistance to South Asian battered and sexually assaulted women. But the strongest of VAWA contributions is that it recognized violence against women in the home as a serious crime, worthy of society's attention and indignation. In the South Asian community, this recognition means cutting through the historical dismissal of woman abuse as 'normal wear and tear of life' and the hostility toward women who speak out as 'traitors to the culture.' For community based organizations like Manavi, it has meant being supported by the formidable forces of the federal government. In addition to the practical benefits VAWA has brought to individual women, it also has instigated the process of cultural transformation by forcing changes in the laws and practices of institutions. The topic of intimate violence, which was hitherto 'unspeakable' in the community, is now recognized, to some degree, as a legitimate issue that must be discussed and acted upon.

VAWA is not close to arriving at the perfect zone. South Asian women on derivative visas are still forced to remain dependent on their spouses even when they turn out to be abusive; neither law enforcement nor the judiciary are adequately sensitive to South Asian women's life conditions and social pressures that constrict their responses to abuse. The awareness

of resources and recourses available in situations of domestic violence is still limited at best and potential female immigrants are still uninformed of the hazards of entering the U.S. on derivative visas. In addition, many South Asian women who break a lot of barriers to take the abuser to court find that their accounts are not always believed. The stereotypes of South Asian women and unfamiliarity with the patterns of abuse they experience frequently result in a credibility gap; that is, the truth seekers in court view South Asian women as untrustworthy.⁶

Yet, VAWA-2013 brings new hopes to the South Asian community based organizations like Manavi. South Asian advocates hope VAWA-2013 will highlight the issues of violence that youth face, as the next generation comes of age in the community. Along with dating violence, we hope there is increased recognition of and education about forced marriage in colleges and universities, an emerging problem in the community. Another emerging issue that has been overlooked by VAWA is one that has been generated by the tremendous movement of labor due to globalization: transnational abandonment of wives and children. There is little recognition of abandonment as violence against women even in the advocacy community in the U.S., yet, abandonment has far-reaching consequences for married South Asian women. It profoundly affects their financial, emotional, physical, and social well being and renders their lives and livelihoods practically nonviable.⁷ The problem is not insignificant. In India alone, immigrant husbands have abandoned at least 30,000 women⁸ and the phenomenon may be on the rise.⁹ Furthermore, we hope that VAWA-2013, with its special focus on sexual violence, will help generate a positive shift in attitude in the South Asian community, similar to what twenty years of VAWA work has accomplished in the area of domestic violence. Our only hope is that the process would be quicker this time around.

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⁶ Shamita Das Dasgupta, *Battered South Asian Women in U.S. Courts*, in *BODY EVIDENCE: INTIMATE VIOLENCE AGAINST SOUTH ASIAN WOMEN IN AMERICA* 211-26 (Shamita Das Dasgupta ed., 2007).

⁷ Urjasi Rudra & Shamita Das Dasgupta, *Transnational Abandonment of South Asian Women: A New Face of Violence Against Women*, Manavi Occasional Paper No. 6 (2011), available at <http://www.manavi.org/wp-content/uploads/2013/10/Transnational-Abandonment.pdf>.

⁸ Although not all abandoning husbands are residents of the U.S., a significant number are.

⁹ Piyush Mishra, *Fraudulent NRI marriages on the rise*, THE TIMES OF INDIA (Dec. 20, 2013), <http://timesofindia.indiatimes.com/city/ahmedabad/Fraudulent-NRI-marriages-on-the-rise/articleshow/27667834.cms>; Madhur Singh, *The Honeymoon's Over*, TIME (Oct. 25, 2007), <http://content.time.com/time/magazine/article/0,9171,1675399,00.html>.