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Abstract

The reauthorization of VAWA 2013 had a long process compared to the other reauthorizations that followed the landmark of VAWA 1994. Its reauthorization process coincided with the 2008 economic recession and the anti-immigrant sentiment. My research question is how the provisions in Title VIII of the VAWA 2013 law affected undocumented immigrant women when they are in a situation of domestic violence, hence, how the Violence against Women Act discursively constructs immigrant women as “worthy” of protection. I used the critical discourse analysis to examine the texts of the hearings and testimonies of the witnesses, that is, the debates, in the Senate and House of Representatives of the United States. I used the news outlets that emerged during that period of time, more specifically, one of the major circulation newspapers, which was the New York Times in order to know the social trend. The results indicate that VAWA is a vulnerable law since it is affected by the economic, political and social situation. VAWA is affected in its provisions, funds and grants specifically by the less favored groups labeled as the “underserved population” such as the undocumented immigrant women in a situation of domestic violence. I used the intersectionality theory of Patricia Hill Collins (1990) and Kimberly Crenshaw (1989), thus, the intersection of gender, class, race and immigration issues. In addition, Pierre Bourdieu's theory of symbolic power and Foucault's Discipline and Punish theory helped me understand how the policies and procedures established in VAWA shape undocumented women's life in domestic violence.

Introduction

I am a middle-age immigrant woman, mother of a child and after a complicated divorce I moved to California looking for a new beginning. I did not speak English fluently, so, my first step was to go back to school. I met along my education journey, immigrant women who came from domestic violence situations who were looking for a new beginning like myself. My interest in domestic violence followed my paralegal studies, and during my volunteering at the City Attorney Office in San Diego, California, I had the opportunity to read cases of Intimate Partner Violence. One day, suddenly, I saw myself in the mirror and asked myself “Do you know what domestic violence is in your life?” I found that I did not know exactly what, how, and where violence started in an intimate partner relationship, and how the law, if at all, would protect me as an immigrant woman, mother, and divorcee. At that moment, I decided to find answers to all my questions, and I continued my studies, always focused on my personal questions.

I finished my bachelor in Criminology and Justice Studies and without hesitation, I began my graduate program in Sociological Practice, which focused on finding answers to all my questions. Now, I am examining the most important federal law, the Violence Against Women Act, which protects women in domestic violence situations, a law that changed the perspective of society from a personal and private issue to a social issue. Therefore, the conversation about domestic violence among legislators, politicians, social services agencies and the public in general follows to be a social issue.

The Violence Against Women Act of 1994, reauthorized in 2000, 2005, and 2013 seeks to protect women in the United States of America, to protect women on its soil, and most importantly protect women in a domestic violence situation. During my readings of the law I

noticed a categorization among women depending on their personal and social situation. For example, if they are married or not, or if their intimate partner is an American citizen, lawful resident or not, these statuses affect victims immigrant undocumented in their requirements and protections for legal documents. As a result, the dichotomy of men and women, power and domination are constructed in the law as part of the patriarchal ideology embedded in our society. At the same time, inequality, and hegemonic ideology prevails among women. As an immigrant woman, I questioned: How the Violence Against Women Act discursively constructs immigrant women as “worthy” of protection.

Statement of the Problem

According to the Pew Research Center of 2017, 11 million unauthorized immigrants are living in the United States in 2015 (1). That is, one in four immigrants are without legal documents in the United States (Pew Research Center 2017). The number represents 24.5 percent of the nation's foreign born population totaling 44.7 million "according the American Community Survey" 2015 (Pew Research Center 2017). On the other hand, the Department of Homeland Security of 2014 assessed that the total number of unauthorized immigrants living in the United States on January 2014 were 12.1 million. (Bryan Baker 2017:1). Unauthorized immigrant women population over 18 years old were 5,180,000, and unauthorized immigrant men were 5,880,000 in the United States of America (Baker 2017:7). Studies show that 30 to 50 percent of immigrant women are suffering from physical violence, and 62 percent experience physical or psychological abuse in contrast to 21 percent of citizens in the United States of America (Levine & Peffer 2012).

Domestic violence is a national social problem in the United States that causes many consequences affecting women's lives emotionally, physically and economically. Only recently has intimate partner violence been viewed as a public health and/or criminal justice concern; for centuries, intimate partner violence (IPV) was viewed as a private matter where men had a position of superiority in the private and public realm, and women were considered subordinate to men (Bevacqua & Becker 2008). In other words, "the ideology of public and private" was embedded into the social order and legal system in the United States making women defenseless and vulnerable to domestic violence (Bevacqua & Becker 2008:62). Women who suffered physically, emotionally and psychologically did not have a voice or rights to search public

institutions for security to escape negative relationships. The ideology of the society at the time shaped the way the public viewed violence against women.

For a very long time, most cultures accepted the abuse of the husband or partner bestowed upon their victimized partner, which resulted in limited awareness of domestic violence. According to Erez (2000:29), the mindset of the society allowed men to feel in a position of domination in their intimate relationships feasibly leading to abusive relationships. Thus, feminists argued that “domination and control” are patterns of patriarchal ideology, in other words, male domination. This mindset also affected the women who felt that abusive relationships were normal and that they had no power in stopping it. Moreover, in relationships where the women are dependent on the man in terms of legal documents, abuse is more common because the victims who are undocumented women are in an unknown country, many of which lack English language, with economic hardships, deficiency of legal knowledge and the fear of deportation restricts them from taking action. Another likely abusive relationship is seen in situations where both partners are undocumented. These situations are least likely to be reported and brought to justice.

It is essential to immerse ourselves in the roots of domestic violence situations in order to improve new laws and policies as well as build safety nets to protect women in domestic violence situation. The 2010 National Intimate Partner and Sexual Violence Survey (NISVS) informed that approximately half of all women, in other words, 48.4% of the entire women population in the United States have experienced some kind of harmful psychological situation, thus, aggressive or coercive control (45).

The VAWA seeks to assist and protect women against domestic violence, but at the same time produces inequality between citizens, married, single and undocumented immigrant women.

The requirements and structures of VAWAs reveals its patriarchal and hegemonic roots, as well as the intersectionality of race, gender, class and social status. Moreover, the categorization in the federal law for the protection of women in a domestic violence situation creates inequality. That is to say, it creates a different social order and protection depending on one's race, class and social status. It is essential to analyze the Violence Against Women Act in order to build a system which supports and protects all women regardless of their marital status, legal documents, and social statuses. Domestic violence against immigrant and undocumented women is a national issue that lacks attention and awareness.

In 1994, Congress passed the federal Violence Against Women Act (VAWA) to help and protect women who were trapped in violent relationships. The VAWA of 1994 was enacted to improve and increase law enforcement training, Department of Justice resources and coordination of different kinds of social services agencies like housing, legal aid, shelters in order to protect victims of domestic violence with funds and grants. Congress enacted a series of provisions to include certain amount of assistance to immigrant women who were married to an American citizen or a spouse who possessed permanent residency.

With this act, women in domestic violence situations could self-petition to legalize their immigration status with the proof of evidence of abuse. The Violence Against Women Act of 1994 lacked support and aid for immigrant, undocumented women in abusive relationships whose spouses were also undocumented or women that were not married to their intimate partner. Therefore, the VAWA underwent a series of provisions throughout the years in order to expand aid to victims in domestic violence situation. The Violence Against Women Act (VAWA) of 1994, finally, gave a voice to American women, immigrant women married to men who were American or had legal residency. This voice allowed them to seek help and speak out

against the inequality they faced on a day-to-day basis in their household. Yet, the VAWA of 1994 only protected the immigrant women who were under the umbrella of their legal husband's citizenship or residency in the United States.

The reauthorization of VAWA (II) 2000 increased protection to undocumented women because of the expansion in provisions, and self-petition, meaning that immigrant women could apply for legal documents without their husbands' permission. The U-visas provide legal documents to undocumented women who are suffering from domestic violence without marriage to their abusers. Although the number was restricted, it opened many doors to many women so that they could leave the abuser without losing their legal rights in the United States. In the VAWA 2000 reauthorization, the law provided for an extension and reinstated that qualified women in domestic violence situation can apply for self-petition in a late action and cancellation of removal.

The VAWA (III) 2005 reauthorization brought certain benefits to immigrant women in domestic violence situations like the exclusion of fines or penalties for staying longer in the United States to immigrant women in domestic violence situations if they were in the process of applying for legal residency.

John Conyers Jr. (2007:462) stated that all the applications of VAWA immigrant petitioners are carried by a trained and specialized Unit of VAWA these include: all the processes for self-petition, T-Visa and U -Visa. Another provision was the suspension of removal when "at least one central reason" is included, that is, any reason like battery, extreme cruelty, is a way to guarantee a fair and clear process regarding the "waiver" and protect the undocumented immigrant victims of domestic violence (2007:462).

Likewise, the VAWA 2005 approved the provision of "authorization to work for all VAWA applicants as a U Visa applicants. That is, the Department of Homeland Security has the authority to grant work authorization to help immigrant's victims to have a way to escape the violence circle. In addition, the provision of "Confidentiality"; a very important provision that protects victim's life was extended and ratified (Conyers Jr., 2007:463). "Confidentiality" provision was granted in VAWA 2000. Henceforth, "Confidentiality", means that the information obtained by the immigration officers is not influenced by the information obtained from the abuser, relatives of his or the agents who are involved for the arrest (Conyers Jr., 2007:463). The main reason is to enhance the protection to the victims and not allow the abuser to use the immigration status of the victim to impose all kinds of fear to the undocumented immigrant victims. These fears include, deportation, loss of their children, and fear of their integrity of their lives, among others. Furthermore, to avoid that the "crime of violence gets silenced and develop a greater consequence such as death. Likewise, in VAWA 2005 the protections for immigrant children who are victims of abuse and incest are expanded and ensured. These protections also extend to victim immigrants who have requested self-petition and consequently passing these protections to their children as well. The age limit was extended from the age of 21 to 25 years old (Conyers Jr., 2007:460).

VAWA 2005 extends confidentiality and its provisions to the Department of Homeland Security and the Justice Department, which warns the chairpersons and ranking member of the House and Senate Judiciary Committees. The provisions also warns the Immigration Subcommittee to exercise their authority to maintain "confidentiality and not disclose information about the victims of domestic violence. Moreover, the rules and norms that need to be followed by the employees and governmental officials (Conyers Jr., 2007:463). VAWA 2005

bestowed a special attention to “Confidentiality” as does VAWA 2000 since is of crucial importance for the protection of immigrant victims of domestic violence.

The VAWA (IV) 2013 reauthorization provides new provisions that protect victims that until now were excluded from the legislation. These were lesbian, gay, bisexual and transgender (LGBT) community members. This was one of the obstacles that arose from the process and reauthorization of VAWA 2013 which was the inclusion of provisions that defined more specifically the protections to the LGBT and the inclusion on the definition of “undeserved population” that provides the law “sex orientation ...”. In addition, the provisions added Native Americans to have their own jurisdiction when dealing with domestic violence cases. Furthermore, the provisions that increases the number of U Visas from 10,000 to 15,000 and used the leftovers of the years 2000 to 2008 that were not used due to lack of rules and regulations for the process. However, the provision that would have greatly helped immigrants without documents victims of domestic violence, did not get approved.

Although this act aims to support immigrants and undocumented women it fails to address the many issues these groups of women face. Immigrant women and undocumented women have an interwoven relationship in the sense that all of these women enter into the United States of America as immigrants.

Some women relied on their husbands’ legal documents, such as American citizenship or legal residency. Undocumented women come into the country without documents. Some of these women that come to the United States of America with some sort of legal documentation and face a domestic violence situation leads them to be undocumented because of the power and control of their intimate partners who are are charge of the women’s destiny. Now each group of women described here are part of one group, undocumented women. The reason for my strong

interest in writing about this topic originated from my compassion for immigrants and undocumented women in the United States and their struggle. Being a woman in this society by itself gives the title of a second-class citizen, but an immigrant or undocumented immigrant woman has even less power. I will concentrate my attention on immigrant and undocumented immigrant women suffering from domestic violence, how VAWA aims to support them in their abusive relationships, and how the federal VAWA neglects to fully aid immigrant and undocumented women in their fight against domestic violence. My concentration will be the VAWA IV reauthorization. Although, I did a prompt review taking the most important points of the history of VAWA in reference to immigrant women in a violent situations with the intimate partners to be able to see the evolution throughout the 30 years of its existence. Hence, my research question is: How the Violence Against Women Act discursively constructs immigrant women as “worthy "of protection.

To answer my question, I studied and analyzed the Congressional hearings where witnesses, Congresswomen and Congressmen discussed their different positions on the legislation, particularly, for immigrant women in domestic violence situations. At the same time, I researched the positions and opinions of the society at the time of the legislation. For this study I used the *New York Times* newspaper as a reference because it is one of the largest circulation and credible newspapers in the United States of America. With the New York Times newspaper, I can have an actual perspective of how the society approached the social issue of domestic violence, particularly, immigrant women through the debate over VAWA legislation.

I applied to my research and analysis the following theories: the Intersectionality theory for a better understanding how race, class, gender, immigration status, economic situation, being a woman at the micro-level (family, friends and close community) and the macro-level (societal

position) are interlocked and shape immigrant women's lives in domestic violence situations. Pierre Bourdieu's Social Class and Symbolic Violence Theory, and Discipline and Punish Foucault's theory are used to demonstrate how we are living in a disciplinary society where a hierarchical power and social control is present in all individuals' lives, institutions and laws.

The qualitative method used in my study is a critical discursive analysis of the hearings during the discussions and process of the VAWA reauthorization approved in 2013 focusing on immigrant women. The chronological period of the New York Times newspapers and other publications that I used are from 2009-2014. I began in 2009 because that is when the media began covering stories about possible improvements to and the fourth reauthorization of VAWA. The critical discourse analysis revealed the relationship among the discourse of representatives in Congress and patriarchal ideology, the symbolic power that reproduces the legitimacy and acceptability of social inequality and finally, the social injustice when immigrant women come into play (Van Dijk, 1993:252). Thus, I analyzed social issues where the intersection of inequality, injustice and domination prevails in society and is reproduced by representatives of Congress.

Violence Against Women Act and Self- Petition and U-Visa

The Violence Against Women Act allows undocumented women in domestic violence situations to obtain legal protections as a self-petitioner without the approval of their spouse. However, this requires the woman to be married to either a citizen, lawful resident, or documented immigrant. This excludes single undocumented women and undocumented women who are involved with an abuser who is also an undocumented immigrant. Another form of inequality that is shown throughout the reauthorization of VAWA 2000 is with the U visa. The U visa provides documents for unmarried undocumented women who are suffering from domestic

violence (Levine & Peffer 2012:635). The U visa is restricted to 10,000 applicants annually whereas the number of applicants far exceeds these 10,000 for each fiscal year. The U visa also requires that the intimate partner abuser be detained (Olivares 2014:258). Levine and Peffer (2012:641) argued that “This requirement may deter undocumented women of intimate partner violence (IPV) from seeking out this valuable resource. This requirement of the U visa creates an obstacle for women who fear their intimate partner and out of fear may never speak up and stop the abuse. The time limit of the investigation is unknown and may be an ongoing case leading to the question: how long will it actually take to obtain a self-petition or U visa? These provisions are ignored in terms that the lawmakers who wrote this act neglected to foreshadow the fear and complications that might come from participating in an investigation against the abuser.

From the examples provided, it is proven that the VAWA has many failures in terms of providing protection, security, and legal assistance to all women in the U.S. suffering from domestic violence. With the great efforts and reforms made to the VAWA, it still lacks protection for all women equally without distinction. It categorizes women into different subgroups constructing a system that promotes inequality, discrimination, and prejudice. The VAWA was first established to save women stuck in toxic relationships, to protect women from fear and insecurity, and from being dependent on their partners; this act aimed to provide these women a platform where they have a voice.

Yet, the lawmakers and Congress members oversaw the complications and implications that came from their provisions and restrictions set in the VAWA. The provisions made it hard for undocumented women to obtain legal protection. Undocumented women have more struggles when it comes to domestic violence. In the following paper, I will use the critical discourse to analyze and answer my question "How the Violence against Women Act's discursively

constructs immigrant women as “worthy” of protection. The critical discourse analysis is a qualitative method where I discussed the different conversations, debates in the meetings in Congress, as well as, the various organizations that defend their different positions in the process of VAWA 2013. Through this analysis I will be able to identify the different underlying ideologies in correlation with what society at that time thinks and creates how this problem must be addressed not only regarding domestic violence but also with the added aspect of undocumented women on the United States of America territory.

Literature Review

My study of the Violence Against Women Acts focused specifically in relation to immigrant women and their legal status in the United States of America. It is necessary to observe and present different studies held in different specific areas such as the economic reasons, ethnicity, race, culture, legal system in immigration as domestic and as a result the emotional effect as fear that affects and involves immigrant women along with domestic violence.

In order to respond to my question, How does the Violence Against Women Act discursively construct Immigrant Women as “Worthy” of Protection it is necessary to take into account all the studies carried out in relation to immigrant women in a situation of domestic violence. This allows for the analysis of the VAWA 2013, and their protections of women in situations of domestic violence with the constraints of immigrant and all its annexes. My ultimate goal is the analysis of VAWA 2013, and under a logical reasoning for their construction process to change and improve future reauthorizations.

Predictors of Domestic Violence

Barriers, Dependency, and Vulnerability

When undocumented women are entering the United States, they are moving with their own set of beliefs, values, norms, and experiences acquired from their own culture, religion, and social system, political and socioeconomic statuses. According to Sokolof & Dupont (2005:43) “Individuals may have internalized ideologies antithetical to disclosure of violence”. Therefore, the understanding of domestic violence differs depending on these factors. The oppression system fluctuates depending on ranking and power of these beliefs, values, norms, and experiences.

In addition to their identities, undocumented women in domestic violence situations face other factors like limited English language skills that impede them in communicating with the community. Fear, is another factor that undocumented women face due to the power and control exerted by their intimate partners in addition to the constant threat of being deported (Levine and Peffer 2012). All these factors at the micro-level, in their intimate environments, shape undocumented women’s lives, affecting their perceptions and searches for help in domestic violence situations.

Studies indicate that 94% of the female immigrant population that enters the United States has a reliance on her spouse’s legal document (Erez & Globokar 2009). This dependency may correlate to a higher level of domestic violence because women are in fear of deportation or losing their children because of their immigration status. Thus, it is more likely that violence is not reported to the police. This legal dependency is a factor that produces a series of barriers and this is an indicator that increases the violence by their intimate partner (Erez & Globokar 2009). Research shows that 72% of immigrant women in domestic violence situations, spouses with permanent lawful residency in the United States of America and those who have American

citizenship do not apply or do not introduce the immigration petition of their wives. Also, on many occasions they destroy the immigration papers, they remove the legal petition or they threaten to call immigration law enforcement (Ingram et al. 2010).

Fear and Isolation

The power exercised by their intimate partner through emotional and physical abuse maintains women's dependency on their partners. Immigration status carries with it isolation, as many immigrants do not have family close by and their only social contact may be her partner and his family. Shame, is another element that isolates immigrant and undocumented women. This shame can come from seeking help in their abusive situation, ashamed of their immigration status, shame of being unable to maintain their primary responsibility, which is the unity of the family in spite of physical or emotional abuse by their intimate partner. This leads to immigrant and undocumented women holding back from seeking help from the community and the legal system as it is rooted in the patriarchal system, which is established in their own culture and values. Research suggests that studies done on Latina women can be applied to women of East and South Asian, Muslim and other communities (Erez 2000). Studies show that all these factors isolate immigrant and undocumented women. Control and domination by an intimate partner are not only personal and cultural issues, but they are social and political issues as well (Reina et al. 2014). The lack of English skills and obliviousness of the American legal and criminal justice system causes immigrant women and undocumented women in domestic violence to not seek help in the legal system (Olivares 2015).

Fears of deportation and loss of their child's custody rights prevents many Latina immigrants from disclosing the violence in their households to the authorities (Reina et al. 2014). Erez (2000:31) argued that intimate partner abusers use immigration status as a "weapon"

against immigrant or undocumented women. Moreover, limited English-speaking skills impede the right information about the law. Low levels of English skills result in lack of job training and forces immigrant women to settle for low paid jobs, or even worse, they face a complete absence of job availability. All these limitations increase their vulnerability to domestic violence.

Research shows that undocumented Latina women have limited social networks due to restrictive policies, the absence of integration programs that promote community involvement safe networks, high law enforcement surveillance, fear of deportation, and minimum access to jobs with a living wage (Reina et al. 2014). Ethnic discrimination and language barriers intensify these women's isolation from the community as they are often distrusted and excluded. All of these factors make Latina immigrants vulnerable to domestic violence (Reina et al. 2014).

Studies show that all of these factors at their micro level, in their intimate environments, shape undocumented women's lives, affecting their perceptions and searches for help in domestic violence situations.

The Role of Race/Ethnicity in Domestic Violence

Many studies demonstrate that women differ in their perception and understanding of domestic violence depending on their culture, race, ethnicity, and socio-economic situation (Alhabib, Nur, & Jones 2009). At the macro level, however, undocumented women in domestic violence situations collide in the community and social system in which they live in. The intersection of gender, race, and class multiplies and creates the oppression machinery. Domestic violence is a social issue where human beings have their own sense of selves challenging a social system where the patriarchal ideology prevails and the supremacy of white culture or whiteness dictates the social structure in the United States of America. In other words, domestic violence cannot be analyzed as a "solo fact".

It is important to understand that the American social structure is composed of diverse combination of cultures, ethnicities, genders, religions and classes. Empirical studies are then needed to understand the everyday actions of individuals in their own environments where these actions are shaped by their own personal knowledge and experiences. The narratives of undocumented women in domestic violence situations are worthwhile as a result of this diversity.

Studies suggest that the use of the word “Latina” to identify different communities in our society is inaccurate (Adames & Campbell 2005). Each social group has a different perception of women’s roles in the household, as a result of culture and other factors like religion, socioeconomics, and the social relationship in their community (Adames & Campbell 2005) (Reina, Maldonado, & Lohman 2014). Moreover, understanding, the amount of violence differs from one culture to the other and the prevalence of violence are factors to be considered in order to understand Latina immigrants’ perceptions of domestic violence (Alhabib et al. 2009).

Culture and Gender Roles

According to Alhabib et al. (2009:373), cultural ideologies and values shape the way individuals view violence. What one person defines as violence can differ from someone else’s definition of violence. This doesn’t mean violence is accepted in the cultures, but it can mean that some cultures hide the violence, push it away and label it as a private family matter. For example, Asian families put the family necessities over individual’s needs, therefore, it makes sense that in Asian households domestic violence would most likely be hidden and kept secret. Alhabib et al. (2009:382) also stated that in Arab or Islamic cultures, religion is manipulated to justify domestic violence between husband and wife. Violence is used to discipline the marriage in Arab cultures and it is a “justifiable response to misbehavior on the part of the wife,”. This

form of domestic violence in marriage can be seen as “male dominance” issues and inequalities between husband and wife (Alhabib et al. (2009:382).

Kalunta-Crumpton (2013:218) explained how Nigerian women are more prone to domestic violence due to the “patriarchal domination”. Husbands or intimate partners are usually the main provider or they generate the majority of the income for the household. This makes the males in the family feel superior, as the wives are dependent on the husbands. Studies show how violence by the intimate partner is related in African immigrants with patriarchal ideologies and acculturation in the United States. In other words, when African immigrant men enter into the United States, on many occasions, despite their education level do not acquire jobs, or they do not acquire well paid jobs according to their education. However, most of the African immigrant women due to their good English skills, enter the job market of the United States much more easily than in their native country. Entering the labor field gives them an empowerment and acculturation to the western culture, consequently, the African men feel threatened by the loss of economic control and control of women because it threatens the patriarchal ideology. Kalunta-Crumpton (2013:232) stated that Nigerian cultures have “economic-based gender role reversal”. This creates complications between husbands and wives and produces stress that results in domestic violence. Kalunta-Crumpton (2013:219) stated that Nigerian women who seek help are judged as “adopting western ideals”. Nigerian women are stuck in a patriarchal culture which views men as a dominant figure and are in fear of being considered an outsider if speaking against the authority of the man of the house.

Arranged marriages are also a gateway for domestic violence. Narayan (1995:109), discussed that domestic violence in arranged marriages can be seen in Indian immigrants in which their culture widely accepts and prefers arranged marriages. Although many can argue that

divorce in arranged marriages are less, research shows that “rape, harassment, dowry-murder, and dowry-related marital abuse,” are many implications of arranged marriages. Forced arranged marriages are especially seen in Pakistani immigrant families where girls are forced to marry a husband chosen by their parents. These marriages lead to oppression and domestic violence.

Clare Beckett and Marie Macey (2001:315-316), discussed “multiculturalism” in democratic societies in western countries and its effects on domestic violence. Beckett and Macy strongly emphasized, that multiculturalism does not cause domestic violence, but multiculturalism in democratic societies does allow cultures to practice their traditions without many protections. That is, existing democratic societies with a diverse population, non-interference in individual traditions can in turn cause a negative effect on social justice and individual human rights. Therefore, is imperative, an in-depth analysis of the norms to protect minority groups such as immigrant women in a situation of domestic violence.

A lot of traditions in different cultures can lead to domestic violence in the future such as forced arranged marriages. Multiculturalism oppresses and creates inequality for women because of the “conspiracy of silence” (Beckett & Macey (2001:311). Beckett and Macy (2001) explained the silence as the day-to-day traditions in cultures that could lead to domestic violence. Beckett and Macey (2001:317) stated “That human social existence implies at least a minimum level of consensus or commitment to shared norms”. A more serious side to the effects of “multiculturalism” in western societies with democracy and culture diversity is honor killings. Honor killings are seen amongst many cultures including African, Muslim, Pakistani, South Asian, and Kurdish. It can be defined as “the killing of women for suspected deviation from sexual norms imposed by society” (Meetoo & Safia Mirza (2007:187). Pregnancy outside marriage, adultery, are examples of how “multiculturalism” can lead to domestic violence

because of the silence by the victims, support by the families and communities that violate human rights and democracy.

Acculturation

Acculturation is a very important factor that needs to be considered in domestic violence against women immigrants. The definition of acculturation is “those phenomena which result when groups of individuals having different cultures come into continuous first-hand contact with subsequent changes in the original cultural patterns of either or both groups” (Garcia, Hurwitz & Kraus (2005:570). Studies indicate that the rate of reported domestic violence depends on Latina immigrants’ level of acculturation. Latina immigrants reporting lower levels of acculturation were less likely to report domestic violence, making them at higher risk of domestic violence as a result (Garcia et al. 2005). The cultural tradition of “family rooted” where the family is unified and solid, is a strong element that needs to be preserved over all circumstances. Yet, patriarchal ideology makes it so that women are vulnerable to domestic violence and subordinated to their intimate partner (Maker & deRoos-Cassini 2007). The acculturation process for a couple in a relationship varies, as acculturation is experienced faster and stronger among women than men (Kulkarni, Racine & Ramos 2012).

However, Mexican Americans reporting higher acculturation are more vulnerable to experience violence because they often resist patriarchal tradition and traditional gender roles (Maker & deRoos-Cainsi 2007). Studies show that 7.1% of Latina immigrant women experience domestic violence compared to 15.8% of Latina nonimmigrant women (Hazen & Soriano 2007). The unequal process of acculturation between men and women provokes anger and frustration, and patriarchal ideology opens the door to family violence.

Therefore, the level of acculturation affects the amount of reports of domestic violence. Due to not being knowledgeable of the laws of the country, their isolation in American society, the fear of being deported, the fear of losing their children, economic issues, and patriarchal culture, undocumented immigrant women are less likely to report domestic violence situations to the authorities. This signifies that the data reported are contingent to the amounts of reports available. This places immigrant and undocumented women in a state of defenselessness.

Economic issues

According to Loya (2014:1305), women who are victims of domestic violence are more than twice as likely to be unemployed compared to women who did not suffer such an assault. Research indicates that poor women are more vulnerable to domestic violence (Sanders 2015). Thus, economic issues are the factors in the occurrence of domestic violence at the micro level. Sanders (2015:4) argued that the abuser likes to maintain control and power through finances and resources besides the victims having trouble finding and maintaining employment. The abuser is trying to control the victim's job and prevent her from developing and moving up in her job and career (Sanders 2015).

Immigrant and undocumented women in domestic violence often have little income, low paying jobs, or lack employment because they are waiting on their legal immigration documents. Therefore, this issue leads to not having enough economic resources to cover basic family needs. Villalon (2010) stated that the before mentioned factors favors the vulnerability of the immigrant women in a situation of violence. According to Olivares (2014) many of the immigrants and undocumented are not eligible for public benefits. As a matter of fact, immigration rules are more concerned with "policing the borders" than helping women in a domestic violence situation (Narajan 1995:105).

Housing

Paglione (2006:125) argued that the right to housing is a human right and she defined an adequate home to be, “somewhere with security, peace, and dignity”. Paglione (2006:126) described the household situation of abused women as a prison. Abused women are faced with the struggle of each day living in a place of “oppression, fear, and humiliation”. This fear, oppression, and humiliation drives these women to the point of abandonment of their homes despite financial disabilities (Paglione 2006). They escape their homes yet still live a life of, “solitude, poverty, and degradation” due to their financial statuses or the unlikelihood of surviving on the streets (Paglione 2006:140). Therefore, housing programs, as Paglione argued, become a human right and should be provided state and federal wide in which these abused women are provided with “counseling and rehabilitation programs” and a place where they can feel free from violence (2006:146).

According to Baker, Holditch-Niolon, & Oliphant (2009:460), intimate partner domestic violence is the number one cause of “homelessness nationally for women”. Women who face domestic violence sometimes feel so helpless and intolerant to any further abuse that they see no other option, but to flee their homes leaving them homeless (Baker et al. 2009:460). Although homelessness is a rising issue amongst women, “each year fewer low-income housing units are available,” leaving more and more women homeless once again (Baker et al. 2009: 461). There are other options such as “federal housing programs” which support women financially with rent and bills, however these programs “have waiting lists of more than 2 years” (Baker et al. 2009:461). Women who are unable to find residence usually tend to go back to their abusive households. Another discouraging fact about housing is that some women are turned away

because they do not meet the standards and prerequisites of the programs (Baker et al. 2009: 461).

Reforms have been made in order to further assist more and more women, for example, according to the Legislative Counsel's Digest Chapter 58; improvements have been made in the 2011-2012 Women's Against Violence Act "to strengthen housing protections for victims by applying existing housing protections to nine additional federal housing programs (Senate Joint Resolution No. 2). According to Bugarin (2002), in California there still are many restrictions on who can be admitted to the housing programs, for example, substance abusers, mental health patients, persons whose permanent location is too close to the housing unit are all turned away from the shelters. With these limits, still 23,388 persons were not admitted because of overcrowding of the shelters. Another pressing matter in California is that undocumented women are not even given the opportunity to apply for housing and they are turned away from the start (Bugarin 2002).

Federal Law

After the declaration of the Civil Rights Act of 1964, feminists and other activists raised their voices claiming women's rights and protection against violence by their intimate partners. The enactment of the Immigration and Nationality Act (INA) of 1952 introduced the word "spouse" instead of husband which until that time the laws of immigration only accepted applications of husband citizens for their wives which indicates a clear correlation with a patriarchal society that prevailed at that time. The Immigration Marriage Fraud Amendments (INFA) of 1986 and part of the Immigration Reform and Control Act of 1986 (IRCA), was enacted to avoid fraud in marriage-visa provisions (Salcido & Adelman 2004:164). It was approved by Congress, and as its name indicates prevent fraud in marriages by implementing

provisions of criminal penalties and instituting the two years temporal residency condition before having to reapply for the definite lawful residency. The condition of two years of temporary residence in immigrant's women placed them in a subordinated status to their husbands. This led to violence and abuse on the part of the husband who can maintain the power and control of his victim for years.

This indicates how immigrant women are placed in a position of defenselessness, controlled by her husband, putting her life at risk in a situation of domestic violence. In addition to, a two years conditional residency, reapplication by the husband, and entering the marriage with "good faith" was another requisite (Wood 2004:143).

The Intersectionality of Immigration and Domestic Violence Against Women Act

Immigration and domestic violence are interconnected with race, ethnicity, gender, sex, class and sexual orientation. Pastrana Jr. (2010:55) stated "Intersectionality exists when multiple forms of oppression affect people, whether as individuals or as a members of a group that experiences oppression".

Erez, Adelman & Gregory (2009) stated that immigration is not an independent stagnant category, but rather is one of the causes that affect domestic violence experiences. Villalon (2014) explained that immigrant women in domestic violence is subject to the immigration laws of VAWA. Immigration is part of the oppression machinery, in other words, is one of the categories that feeds the hierarchy of power in the social system. The history of immigration law in the United States of America varies over time determining who is and is not eligible to enter the United States permanently. Thus, the man has total control of the woman legal status (Erez et al. (2009: 36). Moreover, the new immigration laws declares that the law enforcement must

report to immigration departments about the legal status of the individuals. The abusers then take advantage of the anti-immigrant atmosphere present on the American territory that exists since the economic crisis of 2008 to control and put in submission undocumented immigrant women (Villalon 2014).

For the first time in American history a federal law was enacted as Public Law 103-322, The Violence Against Women Act of 1994 in order to protect women in domestic violence, also known VAWA I (Conyers J. 2007:457). Although VAWA I has a title devoted to the protection of immigrants women in domestic violence, hurdles are still in place like the perception of immigrant-undocumented battered women in the eyes of law enforcement to report violence (Erez, et al. 2009). Congress passed VAWA I as a part of the Violent Crime Control and Law Enforcement Act of 1994 (Salcido & Adelman 2004). Studies show that the Violence Against Women Act of 1994 revised immigration laws of the United States of America regarding women's domestic violence.

The VAWA I allowed immigrant women in domestic violence to apply for self-petition to waive the joint petition condition. This in turn, allowed them to gain access to a legal permit residence (LPR) in the United States (Olivares 2014). The requesting party must have been married for at least three years and demonstrate the coexistence with the spouse for this period of time on American soil (Salcido & Adelman 2004 and Wood, 2004:141).

At the same time, the victim must present evidence of having entered the marriage “in good faith”, having suffered “extreme cruelty” and prove that a deportation to her country would have negative effects. In addition, it was also necessary to provide proof of having a “good moral character” (Salcido & Adelman 2004:164). Another new created provision is the suspension of deportation for the spouse and children, victims of domestic violence and

suspension of deportation if it can result in hardship to the immigrant undocumented spouse. However, the necessity of fulfillment of a number of requirements is necessary to obtain lawful permanent residency (LPR) in the United States of America which is the core of fear not only in front of the community but also fear to be deported. Fear to deportation because they lose their rights to their children among other reasons like how not having the necessary economic aid for their survival. According to Wood (2004:141) “undocumented women are more susceptible to deportation than having gender-based violence”.

On the other hand, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 aimed to reduce the number of immigrants who were seeking public benefits. This meant, that many immigrant women in domestic violence situations were not qualified for this relief although some exceptions were allowed.

The VAWA II, reauthorization of 2000, which was part of the Victims of Trafficking and Violence Protection Act (TVPA) (P.L. 106-386), included the Battered Women Protection Act (BIWPA) (Olivares 2014:248). The new aspect of the law among others was the provision of new programs and funds for transitional housing and the inclusion of stalking as domestic violence crime. The law provides for an extension and reinstated that qualified immigrant undocumented women in domestic violence situation can apply for self-petition without the consent of the spouse in a late action or cancellation of removal during the time the case is solved. Furthermore, it is created with discretionary character, a waiver for “good moral character” (Salcido & Adelman 2004:164). In other words, immigrant women in domestic violence situations with a condemnation related to the violence by their intimate partner could be released or waived because of the “good moral character” issue. This is, the immigrant

undocumented woman acted in self-defense and was not the first to commit the abuses and there were no injuries. These provisions in favor of the victim and their children will have to be demonstrated to receive the discretionary waiver by the Attorney General (Wood 2004:149). Provisions to excuse for the use of benefits of welfare that can lead to a permanent residence rejection.

With the reauthorization by the Congress of VAWA of 2000, immigrant women in domestic violence are eligible for public benefits if they are linked to a domestic violence situation and there is a need for economic help (Berger 2009). Another significant factor in VAWA II is that immigrant undocumented women no longer need to demonstrate the “extreme hardship” (Salcido & Adelman 2004:164). This requisite is not necessary if the spouse is in the military or is a government employee (Salcido & Adelman 2004:164). Another requirement for undocumented immigrant women is that violence happens on American soil with the exception for government employees or military. Studies indicate that only a group of undocumented women "qualifying undocumented" are protected leaving to other groups without the same protections as married women with undocumented but living with lawful residents or citizens, lesbian or gay (Salcido & Adelman 2004:164). Furthermore, the U Visa was created to relieve undocumented women who are not married to the abuser and are in a domestic violence situation. However, the immigrant women to be able to access a U Visa need to assist the law enforcement to detain and prosecute the abuser (Olivares 2014).

The reauthorization of VAWA III (2005) brought certain benefits for immigrant women in domestic violence. Among the most important provisions introduced in the reauthorization of VAWA of 2005 for immigrant women in domestic violence was the exemption for self-petitioners of the penalties for their overstaying permitted in the United States if that was

because of the abuse. At the same time, provisions to relieve the limit on legal motions to reopen their applications for cancellation or suspension of deportation were eliminated (Olivares 2014:253). Another benefit is a temporary employment permit for victims of domestic violence that fall within the requirements of the law. A number of provisions are implemented to avoid fraud, for instance, the self-petitioner or U-Visa possessor is not allowed to petition immigration for the abuser (Olivares 2014:253).

VAWA III (2005) introduced who are the benefited and served “Underserved Populations” defined as “Populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age) and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services as appropriate” (Olivares 2014:253). According to this definition, the population of immigrant and undocumented women in domestic violence situation as the “underserved” population need to be protected without conditions under the umbrella of the law.

VAWA IV (2013) was passed by the Congress after more than 14 months of debates, it was introduced in November 30, 2011 (Villalon 2015:130). In the 112th Congress 2 bills (S. 1925 and H.R. 4970) passed on the floor but did not passed the House of Representatives or the Senate. In the 113th Congress, Senator Patrick Leahy and Senator Crapo introduced the Violence Against Women Act reauthorization (S. 47) and Representative Gwen Moore introduced the Violence Against Women Act reauthorization (H.R. 11). Finally, VAWA IV was approved by eliminated the extension of 10,000 to 15,000 U Visas for fiscal year to undocumented immigrants in domestic violence. VAWA IV was signed on March 7, 2013 and was signed by the President Barack Obama (Villalon 2015:132).

The expansion in provisions to protect minority communities such as lesbians, gay, Native American and the proposal for an increase in the number of U visas from 10,000 to 15,000 to speed up the number of lawful residences for victims of domestic violence provoked a wave of debates and growth of fear among legislators considering that these provisions helping the most marginalized population went too far (Olivares 2014:257). Studies show that the number of applicants self-petitions and U Visa increased in number since their passed in 1994 and 2000 (Villalon 2015:120). Whittier (2016) explained that during the VAWA's IV discussions, activists and advocates analyzed the situation of immigrant women in domestic violence as an "underserved community" group that should be protected taking into account the intersectionality of different frames like gender, economic issues, race, immigration status, language among others. However, conservatives (Republicans) did not envision the domestic violence in undocumented women with the required intricacy. Rather, they analyzed immigration provisions independently of domestic violence in undocumented women, emphasizing their worries on the abuse and fraud of immigration laws if they would extent the number of U visas.

Debates occurred where the conservative wing did not want to approve provisions for social groups that are marginalized in the community. That is to say, the Republicans introduced a bill which eliminated the protection to other minority groups such as "sexual orientation" and "gender identity" However, with the support of the organizations and advocates VAWA IV (2013) was approved by the conservatives. It was election time and the conservatives saw how the female votes had declined, so they admitted and accepted the provisions that protected the social groups like LGBT, bill that was submitted by the Democrats.(Villalon 2015:134). The VAWA IV (2013) provides new provisions that protect individuals that until now were excluded from the legislation: lesbian, gay, bisexual and transgender (LGBT) community (Olivares

2014:253). Also Native Americans were allowed their own tribal jurisdiction and courts to address domestic violence issues when the abuser is not from their land, but the abuse occurred on their land. Until now, these cases were heard by the U.S. federal justice system. At the same time, they have the power to enforce protection orders in domestic violence procedure that occur in their land (Olivares 2014).

The reauthorized law established “the nondiscrimination provision for all VAWA grant programs to ensure that victims are not denied services on the basis of race, color, religion, national origin, sex, gender identity, sexual orientation or disability” (Congressional Research Service). Moreover, “the confidentiality” provisions of 384 (h) of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 are maintained, meaning allow VAWA petition information. According to Olivares, since the existence of VAWA in 1994 there was a unanimous acceptance and approval by the Democrats and Republicans as it had been the case on until now where they has been arguments in both political parties . However, a study indicated that this last reauthorization VAWA IV was highly politicized by both wings, because it was a period of presidential campaign. (Villalon 2015:130). The crime of stalking is considered for the first time as a cause for U Visa eligibility. Olivares (2014:283) stated that the immigrant women face the intersection of the identity of being a woman, of being a person of color and of being an immigrant in a society that subordinate and oppress them politically, moreover, where prejudice is also found in the process of law.

The Violence Against Women Act and Self- Petitions for Immigrant Women

According to Maia Ingram et al. (2010), policymakers after the Violence Against Women Act of 1994, recognized that immigration law produces barriers for immigrant women who are in a situation of domestic violence, although the provisions to protect immigrant women in domestic violence situations are included. However, a maze of documents and requirements to apply, approve and vest them with a legal documents can be tedious and frightening.

Immigrant women need to prove that they are victims of domestic violence, and until the reauthorization of the VAWA II (2000) it was necessary to demonstrate hardship for her and for her family if they are deported (Ingram et al. 2010). The VAWA II of 2000 added a new provision where immigrant women in domestic violence situations with their intimate partner can apply as self -petitioners for up two years after divorce, becoming a widow, or if her husband loses his legal status in the United States of America due to domestic violence (Ingram et al. 2010). This process implies that women in domestic violence situation need not only to overcome their emotional problems and economic situations, but also need to comply with the legal requirements. All these features make undocumented women vulnerable and have their lives in danger because of the risk that emerges in being in a domestic violence situation. The overwhelming situation with so many fronts that they need to face makes immigrant women prefer to remain in their situation before stepping forward, and break the circle of violence in their the relationship with the abuser. Ingram et al. (2010) argued that immigrant women face more health and life risks than the rest of the women in the United States.

The VAWA of 1994 was a good start because for the first time intimate partner abuse moved from a private issue to a social issue. This changed the national conversation and made history. VAWA and its improved reauthorizations containing new provisions that helped

immigrant women in violent situations, but still created categories and protected each category differently. VAWA then imposed requirements that are barriers. VAWA values differently the full humanity of immigrant women. The requirements and structures of VAWA show the patriarchal, classist, and racist hegemonic ideologies. I am building on a tradition of research sheds light on the fact that the established requirements under VAWA do not protect immigrant undocumented women in a violence situation by the intimate partner to the same degree that other victims are protected.

The U- Visa for Undocumented Women

With the reauthorization of the VAWA 2000, new provisions and reliefs were passed by Congress to aid and facilitate undocumented immigrant women who are not married and are in a domestic violence situation (Levine & Peffer 2012:635).

The U-visa is granted only to 10,000 applicants every fiscal year. In order to be considered for the U-visa, one of the requirements for undocumented immigrant women is that they need to cooperate in the detainment of the abuser (Berger 2009:204). However, until 2008, the requirements and processes were not established. As a consequence, the waiting list increased in numbers. Eichelberger (2013) wrote that in 2012 the number of 10,000 U visas was reached a month before the end of the fiscal year and it was occurring in each year in the past three years.

According to Levine and Peffer (2012:636), immigrant women in domestic violence situations are less likely to seek informal and formal help than non-immigrant women in domestic violence situations. Along with the numerous stresses that immigrant women already face with domestic violence, many also face the lack of language skills, lack of knowledge of the

legal system and lack of the criminal justice system. They also they need to deal with the requirements of the U visa, and helping law enforcement (Levine & Peffer 2012). At the same time they need to demonstrate that they are “worthy” (Berger 2009:201).

According to Berger (2009:201), VAWA along with its many other requirements, separates the applicants based on “worthy and unworthy” applicants often forcing immigrant women to demonstrate that they are “worthy”. Hence, the applicant must be abused, must have a good moral and responsible character and at the same time, the undocumented immigrant women must be willing to accept good female citizenship in a neoliberal society (Berger 2009). In other words, the applicant needs to integrate herself in the structure of the social system, to be independent and self-sufficient, and put aside their own cultural values as an individual of a given community (Berger 2009). The woman needs to demonstrate with a narrative that she has a good moral and responsible character through a certification from a government official. “In order for a victim to file a U visa application, the victim of a criminal activity must obtain a U visa certification from a government official eligible under the U visa regulations to sign certifications” (Anver & Orloff 2012:1)

During the process of approval of the application for the U- visa, the victim needs to persuade the officials at the Vermont Service Center, that she is worthy, in other words, that she will be “moral, responsible and self-sufficient”(Berger 2009:209). Furthermore, legal counselors advise the applicants that all narratives should follow the same formula as the self-petition visa: “They demonstrate that the victim married in good faith, and has a strong sense of family and moral values, that she lived through a period of helplessness and abuse, and that she is now able to rebuild her life with minimal assistance from the state” (Berger 2009:210).

The VAWA was created in order to protect women against violence, yet it transformed into a judgment of character and only helped those women who are “powerless victims” and need protection. (Berger 2009:206). This brings into question the gender roles and how society only pays attention or helps women who are helpless, needy and powerless. Berger (2009) explained how a woman called Juana, who was an immigrant applicant where legal advisers presented her to be “powerless, speechless and puppy-and child-like” in order for her to receive legal assistance in her struggle against domestic violence (Berger 2009:206).

With the numerous restrictions and difficulties immigrant and undocumented women suffer in obtaining the U visa. The most commonly handpicked applicants portray stereotypical helplessness, the victimized woman who is inferior to men, rather than focusing on the crime that has been done to the woman. This goes back to gender roles and how society displays women as helpless, powerless, puppy-like species who constantly need help from men. Domestic violence to any woman is an unforgivable crime regardless of any other factors.

Extreme cruelty

According to Hass, Dutton & Orloff (2000:110) the Immigration and Naturalization Service Regulations define “extreme cruelty” and not restricted, as, “Causing or threatening to cause physical or mental injuries, psychological and sexual abuse, and actions that in and of themselves may not appear violent, but are part of an overall pattern of violence” (8 C.F.R. §204.2 (c) (1) (vi) & (3) (1) (vi) (100)). The definition is included in VAWA’s immigration provisions and spouse victim waiver. The court, police and justice system needs to understand that “extreme cruelty” does not always presents itself in a physical way, but often in a psychological way as well. The psychological abuse often opens the door to physical and sexual abuse (Hass et al. 2000:110). The psychological abuse is also not restricted to the victim of

domestic violence. Often the offender threatens his victim with the possible abducting or hurting of her family members, which gives the abuser power and control over women in situations of domestic violence (Hass et al. 2000).

According to Bullock (2007), psychological and physical abuse often go hand in hand. The intimate partner can be determined to maintain power and control of his victim and ultimately can result in death. As a matter of fact, it is estimated that two-thirds of the women killed by their intimate partner had previously been physically abused. Studies show that the risk of death caused by domestic violence abuse is five times higher when the intimate partner has access to a gun (Liniger 2015).

Public Policy, Law Enforcement, and Domestic Violence

According to Zeoli, Norris & Brenner (2011), police officers, since 1970, have been authorized to make arrests without warrants when they encounter a situation of domestic violence and have probable cause. Studies indicate that with the enactment of the VAWA 1994 and following reauthorizations strengthens and increases the prosecution and penalties against abusers in a domestic violence situation (Whittier 2016:810). Today, we have three different policies that are applied in the United States. The three different policies are the discretionary arrest, the preferred arrest and the mandatory arrest (Zeoli et al. 2011). The discretionary arrest gives law enforcement the power of discretion to determine whether or not it is necessary to arrest the person or persons involved in a domestic violence situation, with or without seeing the incident. For preferred arrests, police officers have an amount of discretion to decide if a person or persons need to be arrested always with a probable cause. However, in the mandatory arrest the police officer has no discretion and must arrest people involved in the domestic situation, if

they have probable cause. Studies show that mandatory and preferred arrest will result in a higher number of arrests, because of the arrests of the victim and the abuser (Zeoli et al. 2011).

According to Eitle (2005:575), the probability of being arrested was 3% to 14% between the 1970 and 1980. But in more recent studies the arrests probability is 30% to 34%. Eitle (2005:575) further argued that mandatory arrests are associated with an increased probability of arrest in domestic violence cases, after controlling the factors of areas, situations, and characteristics of the law enforcements organization in the jurisdictions. Second, the risk of being arrested in the different jurisdictions because of the mandatory arrests is 50% which means that police discretion is still in place in the decision to arrest (Eitle 2005:591). Third, the actor of race or ethnicity is insignificant in jurisdictions that has employed mandatory arrests (Eitle 2005:591). According to Whittier (2016:810) VAWA and its reauthorizations increased economic aid to the judicial system, funds to the law enforcement system for its combat against domestic violence that reflects an advance in cogitate violence against women as a crime of gender. This is to say, it is very important because it transitioned from a private issue to a state and federal issue. But at the same time the organizations of services to victims of domestic violence have their doubts about the limitations to the access to law enforcement for undocumented immigrant women and other victims of minority groups with police history.

Research shows that undocumented women who are arrested with their partners lose their rights and privileges that are afforded to victims in a domestic violence situation such as temporary shelters, transportation to a safe location and issuance of a restraining order (Rajah, Frye & Haviland 2006:898). This may result in a situation where an immigrant woman in a domestic violence situation may not inform the police because of fear of being arrested and

consequently being involved with Immigration and Customs Enforcement. The lack of reporting caused by this fear can increase the incidence of death or injuries (Zeoli et al. 2011).

However, mandatory arrests are more consistent and punitive in response to domestic violence situations, and at the same time send a message to the arrestees and general population that domestic violence is a serious public matter, and there is a zero tolerance of domestic violence in the community (Zeoli et al. 2011). Although many states have such laws, the police always have a degree of discretion to determine whether or not there is probable cause of domestic violence. Police experts in domestic violence by intimate partner explain that the police needs to listen to the victim and her desire to arrest the abuser because usually when the victim wants the arrest, it is because they have the fear of recidivism; therefore, it is important to listen to the victims (Zeoli et al. 2011).

Eitle (2005) stated that although this point was not the focus of the use of these policies, the studies shows that the implementation of the mandatory arrest can lower the law enforcement prejudice. These results are based on predictors of White versus African American population, factors like space, the organizational characteristics of police department and the expectations in each jurisdiction.

Research shows that law enforcement have the knowledge to handle domestic violence when they receive a call regarding this matter, however, the individual police reports indicate that many of them feel frustration because of the bureaucracy or the amount of paperwork that is needed in a situation like this. Furthermore, the mandatory arrests give them too little discretion for complex cases of violence that later are categorized as criminal. Another important point is how the criminal justice system processes these cases. They affirmed that training is important, but other resources are necessary like counselors being part of the team at the scene of the

domestic violence situation, being made available to give more information to the victims and shelters, (Gover, Pudrzyńska, & Dodge 2011). Yet, the legislation reflects a tendency of gender criminalization of domestic violence, but it is necessary that domestic violence needs to be understood from the standpoint of intersectionality.

Theory

The theoretical framework for my research consists of race, class and gender intersectionality in the matrix of domination theory of Patricia Hill Collins (1990). The patriarchal ideology where control and power maintains the social hierarchy eliciting different modes and levels of oppression in the micro and macro level constructs the machinery of oppression. In other words, the matrix of domination and patriarchal ideology has allowed me to understand at the micro level how social relations works within family, neighborhood and local communities and its influence on society at a macro level. This macro-level includes government, law enforcement, and the national social order. Yodanis (2004:657) stated that “when men dominate family, political, economic, and other social institutions both in number and in power the policies and practice of these institutions are likely to embody, reproduce, and legitimate male domination over women”. This is a reflection of Western traditions of where men are encouraged to be the breadwinner of the household and the head of house, while women are subordinated to men as caregivers or nurturers. These cultural attitudes and practices are reflected at the macro-level by the legislature.

Intersectionality Theory

Feminist theories indicate that the social system is socially constructed by male domination. The patriarchal social system is based on dichotomies of oppositions (e.g., men versus women, nonwhite versus white, domination versus subordination, etc.), where the main theoretical belief is that the society is dichotomized as male domination and female subordination (Honeycutt 2009:553). According to Glenn, (2002:10) “State and social policies organized along a black –white binary required individuals and groups to be placed in one category or the other”. Honeycutt (2009:554) stated that patriarchal ideology is based on hierarchy of powers where the social system bolster and maintain the domination system by culture and “social arrangements”. Collins (1990) argued that resistance against oppression implies a shift in the understanding and ideology of oppression per se. Black feminist theory emphasizes that knowledge and consciousness of domination empowers African American women for resistance.

According to Collins (1990) the social structure is constructed by the domination of a social group favoring their own interests where the dichotomy prevails (woman/man, domination/oppression). Collins (1990) explained that each individual can identify their own oppression on the basis of race, class, immigration, domestic violence and so on.

The reality is each individual has her own experiences that shape their lives and at the same time, the individual is not alone. Their experiences of oppression are connected to other individuals’ communities and social institutions rooted in the domination ideology of the Western culture. As a result it is important to reject the ideas of dichotomies and additives. It is important to conceptualize oppression differently, redefining in terms of standpoint unique to the individual and the broader machine of oppression built into the system. Race, class, gender,

immigration, domestic violence and among others are interlocked at varying level of oppression and domination. Each individual are at different levels of oppression and domination.

I used the matrix of domination theory by Patricia Hill Collins to have a better understanding of how race, gender, and class are interlocked in shaping undocumented women's lives in domestic violence situation. Collins (1990) introduced the notion that each woman is located in a determined situation with her own experiences and that race, gender, and class intersect these experiences. According to Glenn (2002), whiteness is a social construction where race, gender and class are interwoven and the intersectionality of race, gender and class defines and ranks your level of whiteness, moreover, your status in society in connection with the individuals' citizenship. Thus, whiteness is a social construction by white male patriarchal ideology to control and direct the society and maintain the elites without changes. In other words, whiteness is a national identity to protect the interests of a few.

However, these intersectional factors are not the only systems of oppression. It is necessary to recognize that other factors like ethnicity, immigration status, and economic issues also affect undocumented women's experiences in domestic violence situations. Patriarchal ideology is embedded within women's lives, race, gender, class, immigration, and socioeconomic where status, power and dominion intersect their experiences in the micro and macro level.

The Violence Against Women Act is a federal response to combat this social problem of domestic violence. According to the federal law, undocumented women in domestic violence situation have legal protection. However, the law categorizes undocumented women depending on their relationship with their intimate partner (married or no married) with different outcomes of protection. VAWA discriminates against undocumented women who are risking their lives and

their children due to lacking legal documents. The patriarchal ideology and matrix of oppression is embedded in our social system, which is reproduced by the policymakers, initiatives and decisions to protect women in domestic violence situations.

Social Class and Symbolic Violence Theory

Pierre Bourdieu (1990) approached social class as an organized system where capital and use of resources are intertwined in a structured society. In other words, the individual is located in a “factorial space,” or social space, and the use of the means, “class habitus,” create culture and power which is dynamic and changeable, influencing how individuals think, act and judge (Weininger 2004:141)

Bourdieu (1989:16) stated “Space is constructed in such a way that the closer the agents, groups or institutions which are situated within this space, the more common properties they have; and the more distant, the fewer”. The more capital (social, material, and symbolic power) people possess the closer they are to each other. The opposite is also true, that the less capital (social, material, and symbolic power) people possess the closer they are to each other.

The individuals are shaped by norms, rules, beliefs and values of a determined social group, and at the same time, their position in a determined social group depending on their economic wealth “material capital” and their symbolic wealth, thus, education, degrees, authority, and prestige establishing the “symbolic capital”(Weininger 2004:122). All of these elements in higher or lower level that the individual held create a lifestyle or manifestations of their class forming symbolic boundaries to differentiate them from others. In other words, the individuals create a sense of belonging and a sense of power depending on their position in the

social space. These perceptions credited by possessions and interests creates the “symbolic power” (Bourdieu 1989:20).

Bourdieu (1989) stated that “Social space tends to function as a symbolic space, a space of lifestyles and status groups characterized by different lifestyles” (20). Thus, the perception and creation of social status into the social space extolled in the individuals’ relationship, in other words, “Body, language and time “(Bourdieu 1989:17).

Thus, women as a social group are different among them depending on their location in this social group where race, ethnicity, gender and class intersected determining their “capital” and the use of the resources. This theory make an important contribution to the understanding of how VAWA is written and how women in domestic violence situation are contemplated differently depending on their position in the social space and in the United States of American society. Evidence for support of this position is found in the distinction of women in VAWA, in other words, Immigrant women and undocumented women.

According to Bourdieu (1990:69) individuals in their “habitus and social space” are aimed to act and think naturally, as demanded by their “practical sense”, because of the acquired culture, in which norms, values, rules and beliefs are established and rooted in their social space and societal structure “automatism”. As a result, structured society and the social order take advantage of the resources or practices to social control other individuals through means, visible or less invisible, to transmit ideas, beliefs, to divert or change ideologies. Hence, “symbolic power” is used by those in power who are designated because of their knowledge, and “capacity” in which language, actions, or behaviors are the resources they used to shift ideologies, norms and rules in the direction they want to be (Bourdieu 1990: 69).

Consequently, individuals with the “symbolic power “in the social group within the social space struggle to maintain the social order. The representatives of a determined social group use the language and their power, “practices” to classify or categorize individuals differently transforming into law, consequently, impose their criteria to the whole of what Bourdieu (1990) named it “symbolic violence” (Weininger 2004: 149)

Hence, women in domestic violence categorized as “immigrants” by the representatives of the social class in power locate immigrant women in domestic violence in a differentiated position in the social group of “women” and imposing their constructed superiority of the culture of the dominator through the use of their means creating a “social collectivity” (Weininger 2004: 142) . By the same token, representatives or authorities that acquired their power by their location in a social space in the structured society reproduce and express the ideas, beliefs, rules and norms of the social group in power.

The theory of social class and symbolic violence of Pierre Bourdieu helped me analyze the discourses by the representatives of Congress and witnesses during the process of the Violence Against Women Act of 2013 and specifically on the discussion on immigrant women in domestic violence situations. This theory will inform me how social class in domination constructs the identity of immigrant women in a violent situations.

Discipline and Punish Theory

Michel Foucault’s discipline and punish theory posits surveillance as a form of power that controls human behavior in a society. It is a form of power where the individual feels observed without seeing who is observing and how are they observing. It is a disciplinary and punish system of surveillance and control over our behavior, it is what Foucault called the

"Panopticism" system. In other words, it is a social control by the institutions, government and social group in power. The main objective is that the human being feels surveilled and at the same time feels the oppression and repression of those in power. Foucault stated that "the power needs to be visible and unverifiable" in other words, the individual needs to know that the power is there observing them, however they cannot be aware that this power is observing them at any given time which naturally makes the individual deduce that they are being observed constantly by the power (Longhofer & Winchester 2012:303).

Foucault (1977) stated that we are living in a "disciplinary society," which is an expression of repression and an outcome of power. Surveillance through law enforcement is a form of power to maintain social control over human behaviors within a social system but at the same time, the social control is a result of power. Discipline is a form of power, as there are different types of power within the social structure for the dominant group to control the marginalized and maintain the social order of whiteness and male supremacy (Longhofer & Winchester 2012). Foucault (1977) argued that technology is used to maintain surveillance, social control, and power. Foucault (1977) stated that knowledge is power and that both are interrelated.

Undocumented women feel surveilled by law enforcement and the government and as Foucault stated, the individual needs to be aware of this power through physical surveillance (i.e., "panoptic on effects") (Longhofer & Winchester 2012:304). One disciplinary technique is the federal database collecting their biometric information. Moreover, when immigrant women need to apply for self-petition or U-Visa they need to write narratives about their personal situation and their worthiness for legal documents in the United States.

Foucault (1977) stated “The confession is a ritual of discourse in which the speaking subject is also the subject of the statement; it is also a ritual that unfolds within a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it and intervenes in order to judge, punish, forgive, console, and reconcile” (Longhofer & Winchester 2012: 466). Thus, the institutionalization of narratives that is a way to bring the truth to the light can drive to the rejection or approval of VAWA protections, That is, during the process of application and approval of self-petition and U-visa, the victim must write a letter stating their reasons why they are petitioning the U-visa and their present situation so that government officials know and consider whether or not it is the U-visa can be approved or denied. This is a discretionary and therefore random character. In other words, if the undocumented victim of a crime of domestic violence is 'Worthy' to obtain that approval or rejection. Thus, it is a form of social control to maintain a set of socially constructed expectations.

Therefore, the understanding of immigrant and undocumented women in domestic violence situation and how VAWA need to project the protections to immigrant women differ, depending on these factors where the intersected oppression's systems vary in ranking and power. “Individuals may have internalized ideologies antithetical to disclosure of violence” (Sokolof & Dupont 2005:43). Fear and surveillance, are elements of oppression and control by those in power that undocumented women need to face when they are seeking protections under the VAWA.

Therefore, the Intersectionality theory, Social Class on Symbolic Power theory and the Discipline and Punish theory will help me understand how Violence Against Women Act discursively constructs immigrant women as "worthy" of protection.

Methods

My study of VAWA 2013 aimed at answering my question: "How does the Violence Against Women Act discursively constructs immigrant women as "worthy" of protection". The critical discourse analysis helped me analyze in depth the debates by the representatives in Congress, witnesses, and organizations during the process. In addition, it allowed me to analyze the reproduction of power through discourse maintaining and perpetuating social inequality, and social injustices when immigrant women come into play (Dijk 1993:252).

According to Denzin (2000:44) the question we must ask ourselves is "how" and not "why" the law was made in order to understand how VAWA categorizes women victims of a same "crime" which is domestic violence. This generates so much damage to society and produces harmful consequences such as the death of the victim.

The debates between the right wings and left wings of Congress, in other words, between Republicans and Democrats and different organizations, both private and public, reproduce the "status quo" which is to maintain the differentiation among women when they are facing domestic violence. Thus, injustice and inequality are in place. In addition, how during the debates they put in question the different programs, funds, and grants and doubt of their effectiveness. Foucault (1972:117/119) stated that knowledge is not static but has a few schemes where the truth or untruth varies depending on the place and time in history that this knowledge is produced. That is to say, the historical time imposes its rules. Foucault also stated in his theory

of “knowledge- power” “that power is at the same time “productive”, which is to say, creates the social world and how we can talk about it. Therefore, knowledge and power are interconnected and in turn, are connected with the discursive. As a result, knowledge, and power give us as a consequence to a truth that is not a universal truth, because it depends on factors such as historical position, with its rules (Jorgensen & Phillips 2002). Therefore, “effects truth” are within the speeches, and it is important to study how it was created or formed that truth to understand that reality (Jorgensen & Phillips 2002:14). According to Denzin (2000:41), “the interpretative interactive is idiographic and emic” that is, the words and voices of each individual and their interaction or social action with other individuals is unique and must, therefore, be individually studied and analyzed in order to understand its meaning, and also has a particular and not general character.

In my study, I used the "verstehen" understanding methodology of Max Weber and Jürgen Habermas. Habermas stated, “How is it possible to translate technically exploitable knowledge into the practical consciousness of social life-world?” (Longhofer & Winchester 2012: 293). That is, how is it possible to understand the meaning that exists in social actions located in a period of time from my position in a historical moment? Critical sociology in content analysis has helped me examine the reliability and validity of my results in my research. In addition, my position as an immigrant woman, mother and feminist and together with my own experiences lead me to direct my interpretations for an understanding of the underlying reality in the discourses or texts presented here (Denzin 1989:43). Therefore, a "pure interpretation" thus, the interpretation of the text to decry how VAWA law is built, where the conditions are created that persist throughout the reauthorizations, and to derive to an "evaluative interpretation" in order to prove the need for immigrant women in domestic violence to be heard in the whole

scope of their reality (Denzin 1989:43). Denzin (1989:43) explained that no researcher is free of their own values thus, "value-free", therefore the researcher is under the "hermeneutical circle". According to Denzin (1989:126), the language has a symbolic character and to understand its meaning in depth it is necessary to understand the multiple meanings found in a word, sentence, paragraphs, or texts. Therefore it is important the context where it takes place and the historical time for its interpretation. The object is not the analyzed, but the definitions that the object brings in that interaction of social actions. Therefore "social object" is built and created (Denzin 1969:923). The interpretation is therefore, symbolic and in a "thick interpretation" incorporating context, interaction, and history (Pressler & Dasilva 1996:127). My goal in this study is to bring the invisible to the surface and make visible the social issue of domestic violence and immigrant undocumented women and create a space for discourses in a democratic and "public sphere" (Habermas 1962). Habermas (1962) explained that it is necessary to ask whether intersubjective understanding, "the consensus" is achieved in a position of complete freedom and equality, thus, free of violence in communication or on the contrary "the consensus" in the communication is obtained to manipulate the other (Pressler & Dasilva 1996: 164). According to Habermas (1962), "the technocratic consciousness" is linked to historical interests and domination of a specific social class so we must move away from the historical interests of a social group to know what the true interests of humanity, hence, the interests of immigrant victims without documents (Pressler & Dasilva 1996: 150).

According to Kvale (1992:36), "The individual self becomes a medium for the culture and knowledge (Jorgensen & Phillips 2002: 14). Therefore individuals who use the language produce speeches where transform the social and cultural society, i.e. "social and cultural changes" (Jorgensen & Phillips 2002: 17). Barrett (1991:54) stated that hegemony is the

“organization of the consent” where the process of awareness on the part of the subordinate is built without “violence or coercion” (Jorgensen & Phillips 2002: 17). Antonio Gramsci's theory of hegemony explained that such awareness without violence becomes “natural” where is it not questioned, ends up as a reality the interests of a particular social group (Jorgensen & Phillips 2002:32). That is, the nonviolent acceptance of the social group, those in the last link of the hierarchy of the social structure, consciously or unconsciously to its subordination to those in a hegemonic position and assumes it as something natural.

With the method of critical discourse analysis I was be able to make an empirical and inductive study of the relationship between the discussions in the floor of the chambers of the representatives of the Congress, and other entities like witnesses and organizations and their relationship in the social and cultural development in a societal system.

Language and discourses have a dialectical and dynamic relationship where the mindset of the representatives reproduce the social cognition of power and dominance maintaining the social order (Ruiz 2009:7). According to Van Dijk (1993:255), “power and dominance are usually organized and institutionalized”. The critical discourse analysis informed me of how the representatives who are part of the social group in power used language and knowledge to reproduce the social reality to maintain the social order. The critical discourse analysis is a perspective or approach into qualitative studies where the text is analyzed. Thus, the text is taken as an object (Ruiz 2009:5). The critical discourse analysis is split into three phases: textual, contextual and interpretation.

The first phase-the textual analysis, is the analysis of the discourses considered as a singular event produced by the representatives in Congress with their own cognitive or social mind in a determined space and location embedded in a historical moment. These are the

transcripts of the Congressional Hearings before the Committee on the Judiciary United States of the House Representatives and Congressional Hearings before the Senate Committee on the Judiciary, as well as Congressional records of the Senate, and Congressional records of the House. Within these transcripts, the standpoint of witnesses, organizations and lawmakers are analyzed during the debates. My concentration was the debates and statements by the representatives and witnesses during the process of the VAWA 2013. The transcripts of the debates and statements from the Congress. The transcriptions made of the different hearings from 2007 to 2013 when the reauthorization occurred and signed by the president of the United States Barack Obama, on March 7, 2013, the reauthorization of Violence Against Women Act 2013. The process of the analysis of the text will be a content analysis where fragmentation of the text will be done and these fragmentations will be then codified. The content analysis is a method where words, sentences, phrases, and paragraphs are being analyzed. The coding is composed of a set of concepts determined by my research question and the frequency of these concepts. The concepts are coded differently depending if they are implicit or explicit, the implicit or verbal expressions will be coded after establishing the significance.

The content analysis informed me of the thematic analysis, in other words, the topics that the discourses developed, the order of what occurs, the time that they devoted to them and the relationship among them. By the same token, it allowed me to foreshadow what is hidden in the content of the discourses (Ruiz 2009:6).

The second step is the contextual process. In my context analysis I used news of a variety of newspapers to situate the historical moment or time frame, location, social space, current norms, and rules when the discourses were produced and the stance with regard to this social problem in American society. I compiled news of the *New York Times* newspapers in this regard,

because of the newspaper is of high circulation in the country. It will be supplemented with other information of newspapers as diverse as *News India Times*, *America List* (USA), *Philadelphia Daily News* (PA), and *Targeted News Service* among others. In addition I looked at publications and news regarding the situation and process of the VAWA law and its application in real life particularly with regard to the law and its effects on the lives of immigrant women in the United States of America. The news and publications I analyzed were compiled on the official site “ProQuest” in the California State University of San Marcos library database. The years that were collected are from 2005 to 2017. The main characteristics taken into account for my research were the news and publications concerning immigrant victims of domestic violence and the correlation with the VAWA law. These publications helped me situate the existing social reality at that time between the date of the last VAWA reauthorization in 2005 and the reauthorization of VAWA 2013. Moreover, it allowed me to examine news and publications made after its approval until the year of 2017 to have a better synopsis of how the current VAWA 2013 protects or fails to protect immigrant victims of domestic violence. Furthermore, news addressed not only how the process was, but also how Violence Against Women Act of 2013 affected the immigrant women in domestic violence since its approval until 2017.

As a result, the analysis informed me of how the social cognition reproduces power and dominance through language and social actions (Van Dijk 1993: 251). According to Van Dijk (1993), social power is related to control and consequently those in power control the participants, space, time, situation, strategies and structures in the discourses to reproduce the established social order. Hence, my methods allowed me to understand the reasons, the ends, the circumstances of these dialectic interactions from those who are involved in the discourses through “frame analysis” (Ruiz 2009:9).

The third step is the sociological analysis and interpretation of the discourse. The interpretation is to find the connection between the dialogues of the representatives and the social space when the conversations occurred. The interpretation of the discourse will give me the evidence of the social reality of the moment when it occurs. Also, it showed me the individuals' subjective point of view giving me what dominant ideology is on place at a particular historical moment. According to Bourdieu (1989), the individuals of a social group in a singular social space are closer or further from each other depending in their "capital" (Weininger 2004). That is to say, the discourse is an echo of the "habitus" of the one who produces the discourse (Weininger 2004). Thus, the social order is constructed and reproduced by those in power that control and maintain the dominant ideology to maintain the social order producing social inequalities and social injustices.

Data Collection

I used the Internet to collect my data by retrieving information from Congress.gov. In this website, I retrieved the Congressional hearings before the committee of the Judiciary United States Senate and House, and Congressional Records. I also retrieved records from the House and Senate and Report together with Dissenting Views to accompany H.R. 4970.

Table 1 shows the hearings that I used for my study (2007-2012)

HEARING	DATE	TITLE
Serial No. 110-37	5/22/2007	Hearing before the Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law. Comprehensive Immigration Reform: Perspectives from Faith-Based and Immigrant
Serial No. J-111-29	6/10/2009	Hearing before the Committee on the Judiciary United States Senate 111 Congress. The Continued Importance of the Violence Against Women Act.

HEARING	DATE	TITLE
Serial No. S 111-405	6/10/2009	Hearing before the Committee on the Judiciary United States The Continued Importance of the Violence Against Women Act.
Serial No. 111	3/25/2010	Hearing before the Tom Lantos Human. Rights Commission House of Representatives. Human Trafficking: International and National Implications
Serial No. J-111-89	5/05/2010	Hearing before the Committee on the Judiciary United States Senate. The Increased Importance of the Violence Against Women Act in a Time of Economic Crisis.
Serial No. J-112-33	7/13/2011	The Violence Against Women Act: Building of 17 Years of Accomplishments.
Serial No. 112-155	2/16/2012	Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee on the Judiciary House of Representatives. US Department of Justice Office on Violence Against Women.

Table 2 shows the congressional records that I used for my research from the year 2012 to 2013

CONGRESSIONAL RECORD	DATE	TITLE
HR 4970	4/3/2012	The Violence Against Women Act Reauthorization of 2012 House of Representatives
Republican + Policy, CMP-2012-SER-0037	4/3/2012	S 2338 Hutchison/Grassley Alternative to S 1925, the VAWA Reauthorization Act of 2011.
Republican + Policy, CMP-2012-SER-0036	4/23/2012	S. 1925 Reported by the Senate Judiciary Committee on February 7, 2012. Violence Against Women Reauthorization Act of 2011.
Congressional Record House H 2724	5/16/2012	VAWA Women Health and Reauthorization of the Violence Against Women Act
Committee Reports H. Rept. 112-480	5/16/2012	H.R. 4970. 112 th Congress (2011-2012). Introduced 04/27/2012. Passed de House amended 5/16/2012.

CONGRESSIONAL RECORD	DATE	TITLE
Congressional Record Senate. S 613	2/13/2013	Violence Against Women Act Reauthorization
Congressional Record, House H 674	2/27/2013	Violence Against Women Reauthorization
Congressional Record House. H 677	2/27/2013	Providing for Consideration of S. 47 Violence Against Women Reauthorization of 2013
Congressional Record House. H 707	2/28/2013	Violence Against Women Reauthorization Act of 2013.

I collected 22 news articles in different newspapers since the last reauthorization of VAWA 2013. These included precedent news of VAWA 2013 until 2017. The background is to see and analyze the consequences of VAWA 2013 after its approval. In order to have an accurate idea of the existing contextual historical period of society, news from 2005 until 2017 were also analyzed . It was important for my research to know not only the discussions carried out in the two chambers, the Senate and House, but also the appearance of witnesses and different organizations as well as legislators where each explained their positions and experiences depending on their location in the society. They analysis of news was also important to better understand the thoughts, opinions and ideologies existing in that period of time in American society.

Table 3 shows the news and publications I used for my study from the year 2005 to 2017. I added news of the year 2017 to see how the law went forward and whether it was used to address the needs of undocumented immigrant women in domestic violence situation.

NEWSPAPER	DATE	ARTICLE NAME
News Bank, O Jomal (Fall River, MA)	03/16/2005	Domestic Violence and Immigrants by Lurdes C. da Silva

NEWSPAPER	DATE	ARTICLE NAME
News Bank. East Bay Express (Oakland CA)	04/13/2005	American Nightmare. “They fear their husbands, but fear of deportation more, leaving abused immigrant women with little hope” by Kara Platoni
The Santa Fe New Mexican	11/2005	I didn’t Know What to Do by Barbara Ferry and Kathy de la Torre
New York Times	12/13/2005	Immigrant Victims of Abuse are Illegally Denied Benefits, Suit Says by Bernstein Nina
New York Times	03/07/2007	Special Visas for Victims remain elusive despite a Law by Bernstein Nina
Tribune Business News; Washington	01/06/2008	Domestic Violence Act may not apply to illegal immigrants seeking citizenship
Oakland Tribune; California	01/07/2008	Visa law does little for victims of violence
New York Times (1923-Current files)	12/27/2009	Sanctuary for Victims of Abuse in New York by Finn Robin
New York Times (1923-Current files)	05/14/2012	Backward on Domestic Violence
New York Times	05/17/2012	House Vote-Sets Up Battle On Domestic Violence Bill by Pear Robert
News Bank Targeted News Services USA.	05/17/2012	Transcript of Pelosi, Hoyer, House Democrats Press Conference Calling GOP to stop blocking bipartisan Senate Violence Against Women Act

NEWSPAPER	DATE	ARTICLE NAME
News Bank	05/18/2012	Capps Votes Against Bill Reducing Domestic Violence Protections for Women (D-CA)
New York Times (1923-Current files)	05/20/2012	The Campaign Against Women: The Republican Assault on Women's Rights and Health is Undeniable, Severe and Continuing
News Bank	05/25/2012	Vt's Leahy and Welch seek Protection of Women. Associated Press: Burlington Metro Area (VT) by Wilson Ring Associated Press
New York Times (1923-Current files)	24/07/2012	Delay on Domestic Violence
The New York Times (1923-Current file)	09/04/2012	Visas Hit a Ceiling
US Newstream	05/08/2012	Democratic Members of the House of Representatives hold a New Conference on Republican Alternative Violence Against Women Act Reauthorization Bill
New York Times	11/25/2012	The G.O.P. and Violence Against Women, Victims of Domestic Violence Necessary to Adjust Some Policies to Protect Women, Gay, And Hispanic Voters
News India-Times (New York, NY).	02/22/2017	Immigrant Domestic Violence Survivors allowed to work
New York Times (New York)	04/30/2017	Too Scared to Report Sexual Abuse. The Fear: Deportation
Los Angeles Times	10/09/2017	Abuse Victims Stay Silent Over Fears of Domestic Violence Have Fallen Among Latino Residents in some of California's Largest Cities, Experts Say

NEWSPAPER	DATE	ARTICLE NAME
Huff Post	10/27/2017	Domestic Violence Awareness Must Be Inclusive Of Immigrant Survivors

I used Atlas.ti 8 software to organize my data by date and group. In addition to encoding the words, terms, paragraphs, and debates of the representatives in the Chamber of the Senate and House, and witnesses in the process of making the law in order to identify or frame my themes that I am analyzing according to the accounts and testimonials referred to protection of women in domestic violence and in particular immigrant women.

Findings

My research focused on my question of “how does the Violence Against Women Act discursively constructs immigrant women as “worthy” of protection?” The analysis of the debates and hearings allowed for the understanding of what ideologies prevailed during the different discussions and how these ideologies were perpetuated in time with the reauthorization constructed by culture, power and political interests. I examined whether the Act is subject to the same system of control and power of other institutions, authorities or laws as a surveillance system to maintain social order. My study analyzed the position of women in society their identity, and social status by where the social order is identified.

The critical discourse analysis allowed me to comprehend the process and the delay in its enactment. I paid special attention to Title VIII where the immigrant victims find their legal protection in a situation of domestic violence. This Title VIII is entirely dedicated to immigrants and undocumented victims where there is a clear differentiation depending on the social status (1) of those immigrants victims married to an American citizen or lawful resident, self-

petitioners, (2) immigrants victims who entered to American soil undocumented, U Visa, (3), protections for a fiancée or fiancé of a citizen K visa, and (4) eligibility of crime and trafficking victims T visa.

Title VIII in VAWA law is where the legislation for victims of domestic violence born outside the United States is found. These women are immigrant women who came to the United States because of different reasons. It includes the necessary requirements to obtain legal documents for both the victim married to an American citizen or lawful resident, and for those victims of domestic violence who are not married to their abusers. In addition, it outlines the necessary requirements for the children of undocumented victims.

It addresses immigrant women and victims of domestic violence at some point in their lives who are under the control and subordination of their spouse or partner, be it physical, mental, economic or for immigration reasons. Many victims of domestic violence have children when they are in that situation of domestic violence. The spirit of the historic VAWA is to provide protection to all women in situations of domestic violence. This includes legal means, social services, and housing services, among others. Everything that is necessary to free them from the yoke of the abuser's domain.

In my research, I found that there are different positions during the process and its approval of reauthorization in 2013. On one hand, you have the Congressional representatives who concentrate their speeches on the welfare of victims of domestic violence, that is, social justice, which has been a fundamental principle since its inception of the VAWA 1994 law. On the other hand, representatives economic policies and spending concerns prevail in the

Congressional debates, along with concerns about administrative control and fraud to the VAWA law together with the Immigration and Nationality Act of 1990 (INA).

My findings revolve around three themes. The first theme is, the “Patriarchal and Intersectionality ideology, the oppressive machinery” requirements to be “‘worthy’ of legal documents”, the eligibility to have legal documents and be able to remain on American territory. This eligibility gives a person a clearance of the personal and social scrutiny to be “worthy” of fitting to the United States of America society, hence, accepting whiteness ideology and “double consciousness” (DuBois). The categorization among women depending on their origin, race, class, immigration status, and the origin of the abuser if these immigrant women are married with a citizen of the United States of America or lawful resident. It requires a person to assist law enforcement in arresting the abuser, and outlines the letter that the immigrant victim of domestic violence need to write and explain their situation and personal reasons to the officials of immigration and the insecurity or uncertainty of being eligible or not, thus, “worthy” to stay in the United States of America.

The second theme is how “Fraud and Confidentiality are discursively used by whiteness ideology and social control” are the most common reasons observed in the debates to stop further protections for immigrant victims of domestic violence. “Confidentiality” when the officers can take into consideration "credible evidence" by their abusers. That is, immigration officials taking into account what the abuser declares or the officials can request information from the victim to the abuser. The consequences would be disastrous for the victim because confidentiality would be broken and the victim would be at high risk. Also be able to knock down their application for self- petition or U Visa. Until now only on the part of the immigrant victim was exhibit the “credible evidence”. This implies a clear deterioration of confidentiality since it is not only the

life of the immigrant but also the welfare of the children if they have, and also that could either hinder the process of citizenship.

The third theme relates to “Neoliberalism as a disciplining discourse to shift to a larger social control”. The constant presentation on the part of the Republicans economic perspective on the government, the detriment of the administrative accounts, the bad operation of the governmental institutions from the Immigration Offices, the Office of Domestic Violence, and the mismanagement of money by different organizations, public and private. This occurred due to the strain for a greater control among institutions, thus, stress to a disciplinary ideology (Foucault year needed).

Neoliberalism and whiteness ideology prevail in a large sector of the representatives of the two chambers of the Senate and the House and are present during the debates implying the position that each interlocutor occupies in the social hierarchy, knowledge and power.

VAWA 2013 was approved after a long process in the Senate and the House despite being a law that since its first enactment as a federal law in 1994 was reauthorized every five years, 2000 and 2005 in a form of bipartisanship. However, in 2009 discussions began for its new reauthorization of 2011. The reauthorization became VAWA 2013. The reauthorizations have served to review and improve grants, funds, social services and protection provisions for victims in situations of domestic violence. The historical social context in 2009 in the United States was an economic crisis never seen since the years of the Great Depression in 1929. One of the reasons for the delay in approving the law was the inclusion of protecting the civil rights of social groups Like the LGBT community, Native Americans have their own judicial jurisdiction for the prosecution of domestic violence cases. The reauthorization was delayed by a struggle of

ideologies embedded in the American society system. This delay was due to those of the dichotomy of man- woman and patriarchal ideology, where the power and social control by those in domination would not allow for their power to be diminished by those considered subordinated as the "undeserved population" such as native Americans with the issue of their own jurisdiction.

Ms. Slauther stated: On February 12, 2013 with 23 Republican Senators voting in favor, including every Republican woman in the Senate, they approved a reauthorization that is both comprehensive and inclusive in nature. Unfortunately, instead of allowing a clean, up-or-down vote on this bipartisan bill, the majority leadership proposed a substitute amendment that removes key provisions from that bill. For example, the leadership's amendment fails to explicitly protect LGBT victims, and limits protections for immigrants. At the same time, the amendment fails to close the legal loopholes that leave Native American victims of domestic violence with nowhere to turn.

That is, a law that protects all victims of domestic violence without exclusion. In the historical plane the presidential elections were in course where the first African-American president, Barack Obama (Democrat), was running again to be president, against Mitt Romney, a conservative Republican. The United States has a long history of race and racism that is reflected in the social system and in our legal system (Parker & Lyn 2002: 9).

“Fraud and confidentiality” are discursively used by the whiteness ideology and social control

A reliable case of “confidentiality” and “fraud” can be seen in the bill that was introduced 04/27/2012 being its sponsor Sandy Adams, from the Republican Party. The amendment places the victim of domestic violence in a state of permanent risk before the possibility of a “credible evidence” by the abuser. Section 805 shows how the concern for fraud and abuse is above the safeguarding of immigrant victims in domestic violence situations. Creating a categorization of the victims proves to be difficult to provide protection because the victims in these circumstances

have fear, fear of the abuser, fear of deportation, fear to law enforcement, deficiency in the language, difficult economic situations or fear for loss their children.

Title VIII Sec. 801 “Amends the Immigration Act to direct the Secretary of Homeland Security (DHS) to consider any relevant evidence, including evidence submitted by an accused U.S. national or permanent resident, in adjudicating an application for cancellation of removal by an alien who has been battered or subjected to extreme cruelty” (H.R. 4970-112th Congress (2011-2012, Rep. Sandra (Sandy) Adams, state Florida, district 24, party Republican).

Title VIII Sec. 805. Requires the Government Accountability Office (GAO) to report to Congress on the approval processes for U-visa petitions and self-petitions for permanent residence filed by battered aliens in order to assess fraud and abuse safeguards.

New York Times “Special Visas for Victims Remain Elusive despite a Law by Bernstein Nina New York Times (1923-Current file); Mar 7, 2007

“But more than six years later, not a single such visa has been issued” “The federal government has not issued regulations to implement the law”.

“Julie Dinnerstein, a lawyer at Sanctuary for Families stated, “The fault lies with the Department of Homeland Security”.

“Chris Rhatigan spokeswoman for Citizenship and Immigration Services which is part of the Department of Homeland Security, said the delay reflected what she called the agency’s commitment “to ensure that the U-Visa regulations are well thought out”.

“This is a very complex process”.

Oakland Tribune “Visa law does little for victims of violence” by Olvera Javier Erik. 01/ 2008

“Now, immigration attorneys are advising clients who entered the United States illegally not to seek the full benefits of the law, amid growing concerns the government’s new interpretation of which immigrants are eligible will put on a path out of the country instead.”

“There is no dispute on how the law applies to legal immigrants.”

“I did everything I was told to do to become citizen. They now say it’s not enough. I’m scared!”

When Chris Rhatigan, spokeswoman for Citizenship and Immigration Services, expressed how the “*process is complex*” and “*how its regulation has to be well thought out*”, it is the reflection of the “habitus”, that is, the set of beliefs, values and perceptions of a determined social group within the social structure, occupying a dominant and hierarchical social space, and with a consciously action and power creates the norms and laws to maintain the status quo of the undocumented immigrant victims within the social structure (Weininger 2004:121).

Differentiation among immigrant victims of domestic violence is because of the place they occupy in that social space. That social space is created or built on the basis of political, economic and social control (Stone 1985: 37). Bourdieu (1987) explained in his social class theory and symbolic violence that the “cultural capital”, “symbolic power” and “economic capital” is interwoven. These forms of power and knowledge depend upon social location, and those in a position of domination oppress the subordinated to maintain the status quo (Weininger 2004: 122). This reproduces the suffering and abandonment of the disadvantaged population, silencing their voice for fear not only of abusers but also institutions.

Studies indicate how a dominant social group rationalizes the social control of minority groups, which in this study is undocumented immigrant women. It rationalizes throughout the history of a society in response to certain needs that at the time is imposed as for example labor market (Delgado & Stefanic 2006:3). Victims that are undocumented immigrants are a minority group categorized in the law of VAWA as “underserved” and whose definition is:

underserved population means populations who face barriers to accessing and using victim services, and includes populations underserved because of geographic location or religion, sexual orientation, gender, identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age) and any other population determined to be underserved by the

Attorney General or the Secretary of Health and Human Services as appropriate (Congressional Record House H 2746 May 16, 2012).

The minority groups are treated differently due to their cultural and physical characteristics. In addition to, inequality in the same gender, they are victims of discrimination by the legal and social system.

Immigrant victims of domestic violence belong to the group of "underserved population" and are within the hierarchy of attention in the last link within the ideological system of whiteness. That is, why its delay in its regulation to introduce reliefs to those women with the same condition and situation but with a very important difference in the ideological classification of the whiteness ideology "undocumented immigrants". VAWA law perpetuates the law of "coverture" where the legal identity of the victim of domestic violence is determined whether or not she is married to her abuser, and if it is married has different privileges and rights to the undocumented victims legal before the same crime that is the violence suffered by their partner. According to Glen, (2002:24) "Exclusion of racialized minorities was made national policy by the Naturalization act of 1790 which limited the right to become naturalized citizens to "free white persons".

Whiteness is not only in the color of a skin, it is a system that reinforces and maintains the oppressive machinery. Weber (1904) explained that religion is part of the formation and development of the Western economic system and rationality is relative depending on the values, goals and interests of the individual (Longhofer & Winchester 2012). The origin stands in the Calvinism ideology. With the settlement of the first colonies arriving on American soil and occupied by the Native Americans. Calvinist ideology was that the individuals called by God were the chosen ones, and with the belief that they had all the justification to act against the "unworthy". Dunbar-Ortiz (2014: 48) stated even though individuals could not know for certain

if they were among the elect, good fortune, especially material wealth, was taken to be a manifestation of this election. Subsequently, the social construction of race in white versus black is the consequence after Bacon's rebellion set the stage for issues regarding the Social Wages of Whiteness, citizenship and immigration. Hence, "Truth, is linked in a circular relation with systems of power, which produces and sustains it, and to effects of power which is induced and which extend it. A "regime" of truth "(Robinson 2007: 11), meaning that the white hegemony apply different methods of control. According to Glenn (2002), whiteness is a social construction where race, gender and class are interwoven and the intersectionality of race, gender and class defines and ranks your level of whiteness. Moreover, one's status in society is determined in connection with an individual's citizenship status.

The Violence Against Women Act Building on 17 years of Accomplishments. July 13, 2011

In this hearing that as its title indicates the building on 17 years of accomplishments, there is a clear difference in the presentation of the facts and the reality of the law of VAWA throughout its years of application. On the one hand, we have Senator Chuck Grassley that exposes in a technical way the pros and cons of the law and its contents, in particular, the economic part and in the case of immigrant victims without documents the possibility of "fraud" despite the requirements that the immigration law itself requires. Their negative attitude in the face of what until that moment from 1994 was the law for excellence to save lives and protect a vulnerable population, and until that moment without a voice. To sustain their beliefs about "fraud" concerning the law of VAWA with regard to victims undocumented immigrants are presented individual witnesses and associations confirming the possibility of fraud wanting to establish more control rules and less protection to undocumented victims as a reference to "confidentiality and credible evidence". And as a result, causing an increased risk in the lives of

these women in a situation of violence. This categorizes their identities, leads to them not being "worthy" of equal protection than other women on American soil.

According to Bourdieu (1990:69), symbolic power is used to communicate a knowledge that through language, communication actions and intersubjective actions is to transmit an ideology or thoughts to change norms and introduce them to other individuals or society. In this case the risk of fraud is the price you have to pay the taxpayers to keep the law.

Senator Chuck Grassley, Iowa Republican

Another issue that must be addressed during the reauthorization is immigration marriage fraud. Specifically, I am concerned about the reports that some of the procedures employed by Citizenship and Immigration Services actually help facilitate immigration marriage fraud and some of it is further enhanced by provisions under this law.

However we are well past the time where we can continue to reauthorize programs without giving them scrutiny, particularly in these fiscal years".

As Herbert Marcuse explained in the "One Dimensional Man" (1964), there are two types of needs, the "false needs and the true needs" (Langhofer & Winchester 2012:285). False needs are created by those who have the power and occupy a dominant position in society by creating a society with a lack of social justice and above all, inequality. That is, in the society in which there are currently groups with particular interests, try to create a label of "Fraud" of the law of VAWA, resulting in "criminals" of American law to undocumented immigrants victims of domestic violence. It is a tool for the reproduction of the status quo. Therefore, it maintains a social control of the social group that is already present in the law of VAWA which is categorized as "underserved Population" (Langhofer & Winchester 2012:285).

Ms. Julie Poner witness and testimony (Indianapolis, Indiana)

Over the years I have talked with countless men and women who have similar stories to tell. American citizens who have lost access to their children their homes their jobs, and in some cases their freedom because of false allegations of abuse. Currently there are no safeguards in place to prevent fraud or to prevent immigrant from fabricating tales of spousal abuse. Through unfounded claims, immigrant spouses can bypass the 2-year marriage requirement enacted by the Immigration Marriage Fraud Amendment of 1986 that were actually established to prevent marriage fraud. No one from a local USCIS Service Center investigates or conducts a face to face interview with the immigrant. The only evidence considered is what is submitted by the self-petitioning immigrant and the entire process is handled via paperwork in Vermont Service Center, because if confidentiality clauses and concerns for victims 'safety from their alleged abuser. Claims of battery and abuse go unchallenged. In cases of domestic violence the immigrant is presumed to be the victim. It is also presumed that no one would ever lie about being a victim and that an immigrant has nothing to gain by lying about domestic violence. The evidentiary standards of proof of abuse have been relaxed to further protect the alleged victim.

We respectfully ask that you please consider amending VAWA and the Immigration and Nationality Act, requiring a local USCIS agent to conduct a proper and thorough investigation into these types of cases which would include access to interview both spouses in the process.

Senator Grassley confirmed his concern about the fraud that exists regarding marriages with immigrants, calling into question the performance of the different immigration departments such as Citizenship and Immigration Services. Senator Grassley implicitly and explicitly confirmed his ideological support for greater control and restrictive laws. He agreed with the witnesses' Ms. Julie Poner and David S. Brannon and the fraudulent use of the VAWA.

Senator Grassley: - Ms. Poner, I thank you for coming and telling your story. It is very eye-opening, particularly as to how the best of intentioned laws can be abused. While I know you are not an expert on the topic of immigration. I understand that you have spoken with other individuals who have had similar experiences where this law was used fraudulently as a tool to manipulate access to green cards.

David S. Brannon as a representative of Voice of American Immigration Fraud Victims

Mr. Brannon-VOAIFV was formed in February 2008. We are a national organization whose member include American citizens and legal permanent residents(both men and women) that have been victimized by their immigrant spouses making false allegations of

spousal in order to file a VAWA based I 360 Self Petition to remove the conditions on their green cards”

The lack of resistance in obtaining a green card via VAWA based self-petition creates opportunities for criminals and terrorists and puts Americans at risk.

According to Langhofer & Winchester (2012:289), “One-dimensional thought is systematically promoted by the makers of politics and their purveyors of mass information.” Thus, it shows that a particular line of thought in society, and also unique, is always promoted and induced by the social group in politics using technology in our industrialized society, causing in society an alignment of thought according to the interests of those with greater power and domain in society. Sociologist Herbert Marcuse stated the needs rationally created "false needs" by social groups in power or elite to maintain the social structure. That is, they are needs for control and surveillance through the manipulation of social reality through words and communication system. This is what Marcuse called "man of one dimension.”

Therefore, the constant vigilance "disciplinary society" according to Foucault through technology and communication meets the objective goal of a society where technology dominates producing a pattern of thoughts created as "normal" and "natural.” Normal, because it is a norm, repeated behaviors in the social process and time. Natural is measured with respect of the ideology of the white social structure. Marcuse's one dimensional man identifies the identity "immigrant victim without document" creates the false necessity of greater control through rules, laws, and surveillance from one institution to another, that is, from one governmental institution to other governmental institution. "Immigrant victim without document" is commensurate to maintain the status quo and social control of this social group (Marcuse 1964). According to Marcuse, through democratic means, the reasoning process is controlled. Now, Habermas explained that the democratic system, despite everything, pushes towards equality. The

individuals of a society have their "validity claims" and in this social interaction and dynamic action as the different social organizations, both private and public, media and the participation of the immigrant victim of domestic violence within the scope of that "public sphere," where you can present your own ideas, your experiences, in the same position equality and in the same field can alter and change the ideology of abuse and fraud.

ACLU's Statement in Support of the Senate Hearing on the Violence Against Women Act

VAWA created visas for victims of domestic violence to "strengthen the ability of law enforcement agencies to detect, investigate and prosecute cases of (crimes) while offering protection to victims."

Local law enforcement officials participate in the process by certifying to UC Citizenship and Immigration Services (USCIS) that victims cooperated in the investigations or prosecutions of the crime. However misguided immigration enforcement programs have created a climate of fear which thwarts the intent of VAWA and runs counter to the principle that we must ensure the safety if all women in our society regardless of immigration status. In countless domestic violence situations across the country police policy or practice is to arrest everyone on the scene. As a result immigrant victims of domestic violence have been placed in deportation proceedings and at least one has been deported.

Legal Momentum (Organization that advocates for the women and girls rights)

Congress recognized the importance of victim confidentiality in VAWA 1994, 2000 and 2005 and again in the Illegal Immigration Reform of Immigrant Responsibility Act of 1996, VAWA 2000 and VAWA 2005.

To accomplish this goal VAWA 2005 required Department Homeland Security and the Department of Justice to issue guidance and train officers and employees in the requirements of VAWA Confidentiality.

We recognize the fact that there are U.S. citizens, like Ms. Poner, who are victimized by their foreign born spouses. Congress also recognized the importance of victim confidentiality in VAWA 1994, and again in the Illegal Immigration Reform and Immigrant Responsibility Act 1996, VAWA 2000 and VAWA 2005. Representative Pat Schroeder, who introduced the amendment that would ultimately become the VAWA Confidentiality provisions called Confidentiality a "matter of life and death..... Confidentiality at each step allows victims to achieve the security and economic independence necessary to safely leave an abusive relationship"

If an abuser is notified that his or her spouse has filed a VAWA self –petition, this puts him on notice that she is trying to leave the abusive relationship and can further endanger her life and safety and that of her children. VAWA Unit employees also receive training on and gain expertise in the full range of confidentiality requirements and how VAWA confidentiality affects immigration adjudications.

We urge Congress to continue upon historically consistent path.

Any solution to enhancing fraud protection must maintain VAWA confidentiality’s crucial protections to allow immigrant victims to escape abuse without fear of deportation and with economic security.

The ACLU and Legal Momentum organizations have defended the rights of women. They responded to the testimonies of Ms. Julie Poner and David S. Brannon regarding the issues of "fraud" and “confidentiality” and the alleged bad use of the VAWA law to obtain legal documents on the part of the undocumented victims. They stand against the proponents whose objective is to manipulate and create an erroneous sense leading the meaning of fraud associated with undocumented immigrant victims and thus damaging the image of undocumented victims. They challenged the notion that immigrant undocumented women do not deserve to be protected and need to meet higher requirements that hinder their legalization in the country. Testimony presented by the Chamber to affirm the need to toughen the immigration rules and introduce the possibility of accepting the "credible evidence" of the abusers by immigration officials encouraged breaking the sacred principle of “confidentiality”. This would endanger the undocumented women victims of a crime, as Whittier (2016:796) stated victims of a “gendered crime” which includes the need for a response by the law of VAWA and the law enforcement of a firm response as a crime against women.

The requirements demanded for immigrant victims without documents are numerous, such as demonstrating their good faith when entering into marriage, time of coexistence with the abuser,

good moral character, extreme cruelty and a host of requirements that if it is already a situation of fear of the abuser, economic difficulties and struggle to continue with their children if there are other difficulties and bureaucracy that on many occasions undocumented immigrants remain in silence for lack of knowledge of the law or for lack of resources or community aid.

The immigrant woman, victim of domestic violence, has to accept what DuBois called in his book "The Negro Problems," the "double consciousness" (Gordon 2008:79) on one hand, victim with its own identity according to its values, race, class and beliefs and, while on the other hand, accept and embrace the cultural norms, roles and values depending on which side of society it is located. DuBois stated "this sense of always looking at one's self through the eyes of others" (Longhofer & Winchester 2012:332). If she wants to be accepted in society as a victim of domestic violence, she must show that she is willing and accepting the roles that the white ideology imposes on her. Thus, the difficulty is not only being a victim of domestic violence like any other victim, but also adopting "whiteness" ideology, thus domination and social control is in place. Therefore, when dealing with domestic violence in undocumented immigrants, the problem should be studied as what it is a "crime" without taking into account "immigrant and undocumented" as factors of a problem (Gordon 2008:75).

This maintains the difference between the victims of domestic violence perpetuates the status quo regarding the equal rights of the diverse population in the United States. As Dubois said, the "veil of double consciousness" remains, that is, the identity of the victim, his awareness of who she is and, on the other hand, the other side of the veil, since he must behave and act to be accepted as a victim before the individual in front of her (Gordon 2008).

In other words, immigrant victims of domestic violence without documents must accept the system or social construction of whiteness and the perpetuity of the world of white supremacy. The implementation of immigrant victims in domestic violence in the debates and promulgation of VAWA enables and gives firmness to democracy in all its realm. Furthermore, through Durkheim's solidarity mechanism, they have equal ground when the debates are established. The stratification is a consequence of the intersection by race, culture, ethnicity, gender, sex, religion, and place of origin of immigration of the victims where the oppression and repression is perpetuated depending their level of those factors.

Studies indicated that fear of fraud in immigration laws is unfounded since immigration laws in order to meet all the requirements it is an arduous and often impossible task, an example is the requirement of "credible evidence" that is determined by a judge its validity. Many undocumented women with domestic violence cannot prove their stay in the United States with their intimate partner because they do not have any bill, bank account, or document that indicates it. In other words, violating immigration regulations is not easy and having legal documentation is a path with many intersecting factors (Salcido & Menjivar 2012: 347-348). Therefore, the same immigration laws that have their own legal requirements for granting U visas can often serve as a means of repressing the victim in domestic violence (Hunnicut 2009: 565).

On the other hand, organizations with a long history of working with immigrant victims in domestic violence claimed that there are no determining statistics where these fraudulent actions can be verified in number that may need to change the spirit of VAWA "confidentiality" because it can mean life or death of the victim. According to the organizations, the victim of domestic violence has to be protected and not put in greater risks. Immigrant undocumented victims are not

only under the oppression of their intersectionality because of their race, class, gender, and immigration status but also because of their position in their social space.

In these fragments a clear ideological differentiation and construction of social realities are elucidated. The ideology of restrictive rules, control of the whole structure of immigration and claim for immigration laws changes as in previous passages where the reinforcement of the law enforcement focuses on locking the perpetrators and abusers. Foucault stated that we live in a disciplinary society where power is a reflection of discipline, and repression is the result of power. A social group in domination through surveillance and different modes of power maintains the established social system and social control to maintain the Whiteness or White supremacy. Foucault stated that knowledge and power are interrelated. A constructed social reality diverted from another social reality can and provoke a power of ideological division and through this confusion and division maintain the social control of society in general.

Likewise the testimony of one of the witnesses, Ms. Poner, of her own experience and David Brannon, representative of VOAIHV organization defend the idea of more control in immigration laws for those in domestic violence. They proposed a more restrictive legislation and control for the granting legal documents to those immigrants who are victims of domestic violence, and their applications based on VAWA to seek protection. They proposed reforms such as allowing government bodies to consider the "credible evidence" of the abuser. This goes against the spirit of the VAWA, which is to protect the victim in a situation of domestic violence.

Studies indicate that "agency" should not be viewed from a "universal" aspect of resistance, but that the dynamics of oppression and subordination should be analyzed. The the levels of oppression and subordination by the intersectionality of race, gender, class, sex, immigration, among others, and to be able to arrive at a definition, in order to reach a certain objective that

during my study is to understand how through the different discourses we identify the ideological basis lying in those discussions and how individual interests and social groups affect the development and form of the law (Roberta Villalon, 2010). In my study I can see how ideologies impose their premises of defense or detriment to those who defend greater social justice, invoking the needs of victims. The political interests of the one that carries out the action has a determined purpose and its achievement.

Villalon (2010: 556) explained that discrimination and inequality within the same gender is palpable in the VAWA law. Where the categorization among immigrant victims without documents is present regardless of the kind of abuse. Undocumented immigrants with domestic violence have a differentiation in the time of the process towards their legal documentation according to the national origin of the abuser and their legal status as well as the nationality of the victim, which may take a legal process of 1 year and 8 years (Villalon 2010:554).

The debates of the law must in principle take into account all the perspectives of the victims of domestic violence since if we universalize the concept of "victim" we stop observing the variants that exist within the victims making them invisible. My study tried to make the visible the invisible and visualize how the interests of each ideology affect the welfare of the victims and their safety.

The principle of whiteness ideology "and the dichotomy of white and black affects the compression of diversity among the same immigrant victims of domestic violence. A clear example is in the application process for an immigrant victim of domestic violence in their knowledge of the language, economic possibilities to carry out this process, knowledge of the law, is a long and complex process apart from demonstrating good faith, good moral character and the requirement to help the law enforcement in capturing the abuser. All these tensions above of being

a victim with fear of the abuser, fear on many occasions to the law enforcement of being deported and in many cases losing custody of their children, having no place to live due to their lack of material stability, and waiting to be or not accepted their application and process generates that the victim on numerous occasions silenced.

Evelyn Nakano Glen (2010:11) stated and pointed out that “Aihw Ong stated that the Asian population is treated differently if it belongs to a rich or poor social group within the dichotomy that prevails in the United States”. Therefore, the analysis of the construction of the individual within the space that occupies in society is categorized by the intersection of race, gender, class, sex, and immigration status.

Whiteness is the ideology of the dominant white man, that is, those with their own political, economic and social interests according to Stuart Hall and David Held who explain that the history of citizenship is to limit certain social groups to the benefit of other groups. And property owner, where women nonwhite are excluded from others (Glen, 2002: 20).

In other words, citizenship is today the idea of a political order among all citizens through a social contract where all those who participate have an equal status but does not mean that having the same rights inequality ceases to exist since "class" is one of the factors that can differentiate from each other along with noncitizens where they are interrelated. That is, noncitizens do not have the power to exercise the civil rights, political rights, and social rights. (Glen: 19) Interdependence exists. Therefore the dichotomy of citizen and non-citizen men women white black persists in the ideology of whiteness. The VAWA law continues to maintain the categorization.

American thought of universal equality according to Marx's democracy with a universal character is not compatible with capitalism and class division since the liberal only helps to perpetuate the status quo and maintain power in the elite. According to a “Ringer’s and Smith exclusion and stratification are central and not peripheral to the story of American citizenship” (Glen 2002:50)

H.R. 4970 was presented by the Republican party where a series of norms were established where they put more in danger the lives of immigrant victims of domestic violence, among others, the abuser's declaration could be accepted by the officials in charge of the application process. Approval of the U Visa or self-petition. Already as in itself a victim distrusts and is afraid not only of the law enforcement but also of their abuser (Villalon (2010: 556).

Jan Schakowsky (Member of the U.S. House of Representatives from Illinois’s 9th district, Democrat Party

Since 1994, the Violence Against Women Act has strengthened communities and provided critical, lifesaving support to victims of violence. VAWA must continue the fight to protect victims and their families from the fear of violence, including those victims who are immigrants. Native Americans members of LGBT community and college students. Unfortunately, for the first time, in VAWA’s history we will not have a bipartisan reauthorization not have a bipartisan reauthorization history. Even worse H. R. 4970 is a step backward and is opposed by hundreds of anti-violence groups. While there are many problems with the bill. I am most distressed by the provisions regarding battered immigrant women. H.R. 4970 destroys years of work of protecting immigrant women. It creates more obstacles for these victims to report crimes, and it limit U Visa protections and ads restrictive certification requirements that will only discourage cooperation with law enforcement agencies, which themselves oppose these provisions.

Expressing opposition to H.R. 4970 Violence Against Women Reauthorization Act of 2012

Mr. Hinojosa

Mr. Speaker, I rise today to express my strong opposition to H.R. 4970, the Violence Against Women Reauthorization Act, which shifts the power into the hands of the abuser and moves away from longstanding bipartisanship on this issue.

The manager's amendment rolls back U Visa protections denying protection to immigrant victims of serious crime and stripping police and prosecutors of a critical law enforcement tool.

In my view, a vote for H.R. 4970 is a clearly attack on the Violence Against Women Act and weakens the current law and rolls back protections in VAWA self-petition process, empowering abusers and harming battered immigrant spouses."

Although we must not forget the advances made as The U Visa for undocumented people where they do not need to be married to the abuser, and the acquisition of legal documents with the self-petition to those victims married to their abuser can ask for their residency without the authorization of her husband. In other words, it offers "waivers" of the joint petition with the husband of his legal situation. That said, during the process of the reauthorization of the VAWA 2013 law it was complex and much debated. Focusing on undocumented immigrant victims with S1925, Senator Leahy (D) and Crapo (R) among other provisions that would benefit the victim of domestic violence immigrants was the increase of the annual U Visa number from 10,000 to 15,000 as the process was extensive in time for many victims and complex. This was accompanied by a new proposal HR 4790 in April 2012, presented by Mrs. Adams (R), which also included those provisions except for the increase of the U Visas, which in reality the increase was 5,000 U Visas accounting the visas no used during the period of 2000 to 2008 that the dispositions and procedures rules were enacted, thus the remnants visas. The bill presented by the republicans where a series of norms driving more in danger the lives of immigrant victims of domestic violence where, among others, the abuser's declaration could be accepted by the officials in charge of the application process of the U Visa or self-petition. Already a victim distrusts and is afraid not only of the law enforcement and governmental institutions but also of their abuser. For information received from other immigrant victims without documents of deportation proceedings (Villalon (2010: 556).

The inclusion of these new HR 4970 provisions of "credible evidence" on the part of the abuser puts the victim in a vulnerable position that could knock down the possibility of U Visa and self-petition as well as the presentation of necessary documents such as invoices, bills, and health reports. In addition placing them at risk in front of their abusers. The exclusion of the 5,000 visas also has a negative effect where the delay in the process of applying and granting legal documents would help many victims hope to obtain their legal documents. This effect of repression against immigrant victims is a clear example of a capitalist ideology that is to maintain the control of the police and maintain the vigilance system and increase anti-immigrant sentiment, such as the statements of representatives such as Mr. Gr, where he identifies the victims of domestic violence. As possible fraud of the law. William Robinson and Xuan Santos (2014) stated that repression and criminalization makes the undocumented population more vulnerable and deportable besides being able to be exploited in the work and be subject to surveillance.

New York Times (1923-Current file) May 17, 2012 House of Vote Sets Up Battle on Domestic Violence Bill

Pelosi: - said "The House Republicans have brought to the floor today a controversial bill that will weaken protections we give those who suffer domestic violence, sexual assault or stalking. It fails to protect vulnerable women, Native American women, LGBT community, immigrant victims all people deserve to be protected from domestic violence.

Whip Hoyer: - stated" I am deeply disappointed that Republicans are politicizing this issue" Traditionally, domestic violence legislation has always been a subject of bipartisan consensus."

- said" In our society every individual has the right to life, liberty and the pursuit of happiness. And therefore we have a responsibility to ensure the protection of every individual."

Ms. Moore: - said "As a woman of color I am particularly aggrieved that this bill ignores the special circumstances of women who are minorities"

"Immigrants being made less safe than they are under current law because once again, the word of the abuse is set to be the law of land."

Ms. Lofgren: - said" Republican bill is to remove the training money for law enforcement agencies, so that they can be better equipped to do their job.

I think that the discussion - their bill actually reduces protections that exist in current law. For example, the U-Visa is available to immigrants, undocumented immigrants, who are victims of domestic violence. This was a measure that was adopted by Republicans in the past in order to get the visa the law enforcement agency has to recommend and ask for the visa to be issued because it's important to them as a police agency that this victim, witness, be available. And so, the law enforcement agencies came to Congress and said this has worked very well and not only that, they've run out of visas and they need more. The testimony we've received from police agencies is that if we were to recapture visas that Congress intended to be awarded but were not, because of bureaucratic delays, if we were to recapture those visas, it would be 10,000 additional criminals taken off the streets. This bill does not respond to law enforcement in that effort. And it also makes other changes in existing law that will deter victims from coming forward. It also empowers abusers to essentially have a say over the fate of the person they have abused, which is a change from existing law.

Ms. Schakowsky:- I have an immigrant-rich district and I've long worked on this issue. Immigrant women, undocumented immigrant women are in double jeopardy. One they're in fear of their abuser. But two, they're in fear of deportation. And so their abuser is empowered by that. By holding control over his partner or spouse by saying 'and if you don't do exactly what I say, and if you report me, you will be deported and I will have the children.' So there is a real grip. But the other thing that this bill demonstrates with back stepping on protections for immigrants is that they don't trust these immigrant women, they actually are suggesting that women are getting themselves beat up for an excuse in order to get a U-Visa, which in the past enabled them to separate themselves from their abuser and get on a path that would actually allow them toward citizenship on their own - not rely on the status of their abuser. And now they're saying: well we think that right is being abused. Imagine not trusting that women who have been victims of torture, sexual assault, or domestic violence are going to lie about their black eyes and their beat up bodies and their necks that are scarred, in order to go to the police. That's why the police want them because that's the tradeoff - you get to be on your own if you go report to law

enforcement and cooperate all the way. A very dangerous moment for a woman to do that.

Ms. Maloney:- Law enforcement strongly supports the immigrant visa portion and it has been very successful in actually achieving sex trafficking convictions. So, it's very important not only for law enforcement, but for the protection of women.. The Republican bill actually rolls back those protections, excludes those protections.

“The bill also fundamentally diminishes the “U” visa program”

“H.R. 4740 marks a backsliding in violence protections, leaving more women out in the cold, without legal resources or social supports when they need them most”

New York Times (1923-Current file); July 24, 2012 “Delay on Domestic Violence”

“House Republicans have to decide which is more important: protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some on their party’s far right.”

“It also rolled back protections for immigrant women, including for undocumented immigrant who report abuse and cooperate with law enforcement”

New York Times (1923-Current file); Sep 4, 2012; ProQuest Historical Newspapers: The New York Times with Index. “U Visas Hit a Ceiling: The failure of Congress to agree on a ...”

“Victims’ advocates and law enforcement officials are worried that the suspension in issuing visas until the new fiscal year begins on Oct. 1 could discourage some women from speaking out and put some victims who have pending visa applications in further jeopardy”

US Newsstream “Democratic Members of the House of Representatives hold a News Conference on Republican Alternative Violence Against Women Act Reauthorization Bill” Lanham. 08/05/2012

Molina: For the first time ever, immigrant women and children will be less safe and more susceptible to abuse because of this law. This bill creates a dangerous and even lethal predicament for immigrant survivors of crime.

Grayer: They have declared war on immigrant women Place immigrant victims in danger by eliminating important confidentiality protections. These changes undermine current anti-fraud protections in place

The United States lived after the terror attack on September 9, 2001 and under the Bush administration (Republican) an anti-immigrant sentiment which led to an increase of immigration policies with restrictive measures. With the election of Barack Obama, as President of the United States the first African American in the White House and Democrat, an ideological division takes place in the governmental system, thus, it is reflected in the American society. Along the 2012, new elections are on the horizon and the electoral struggle between the Democrats and Republicans is reflected in the policies that took place in the Senate in control of the Democrats and in the House of Representatives that is in control of the Republicans. The promises of immigration reforms bring the vote to the Democrats and Barack Obama renews his second presidential term. Prado explained "There is no doubt that the expectation of change was fundamental in the triumph of the Democratic candidate. Criticisms about the management of his predecessor contributed to this appetite for domestic reforms and international politics "(Coto 2016: 169-193).

Year 2012 and the approval of the VAWA 2011 reauthorization has not yet been achieved. The proposal of the Democrats approved by the Senate requested the inclusion of minority groups such as LGBT, advocates for Native American jurisdictions to prosecute domestic violence issues, the increase of 10,000 to 15,000 Visas for immigrants' victims of domestic violence taking the 5,000 retroactively. This meant to say that for the year of delay it would retroactively approve U Visas for undocumented immigrant. "Stalking" is included as a reason to access the U Visa. The requirements of credible evidence, confidentiality, extreme cruelty good faith, are among other requirements that the immigrant victim must meet to apply for the U Visa on top of helping law enforcement to apprehend the abuser or perpetrator.

This bill was approved by the Senate with the Democrats and some Republicans but when it arrived to the House they presented their own proposal where the provisions to increase

the number of U Visa was denied. The House of the Representative introduced another bill where “confidentiality” was opened up in the sense that they can accept credible evidence of the abuser, breaking the principle of “confidentiality” that has always been highlighted by VAWA law. With S 4970, which raised the alarm of restrictive rules against undocumented immigrant women rising voices of all organizations, social services and Democrats.

Democrats’ plea to the feeling of responsibility towards the less privileged community. It constantly reminded them of their ideological change with respect to previous authorizations. The VAWA 2013 had been a joint decision of mutual agreement between Republicans and Democrats. Democrats appealed to them that they must differentiate between political issues and VAWA as a federal law to protect victims of domestic violence. The political struggle for the presidency is reflected in the House.

Democrats use the language of vulnerability and marginalized social groups, “*injuries*” “*bruises*” “*suffer*” and “*support by the law enforcement*” because undocumented women in domestic violence situation and seeking U Visa can help them to lock the abusers. The words of immigrant victims and the words that identify the corporal and emotional damage, that domestic violence can provoke and create a social reality where victim is the center.

Mr. Sander Martin Levin (Member of the U.S. House of Representatives, Democratic Party)

“This issue before us is not partisan. It is not of importance to just one state or region, or to a single group or interest.

This bipartisan bill will allow services to get to those in the LGBT community who have had trouble accessing services in the past. The bill also includes key improvement for immigrant victims of domestic and sexual violence”.

Deaths due to violent act by intimate partner have decreased significantly. VAWA saved nearly \$15 billion in its first 6 years of existence by avoiding the high social costs violence against women exacts on our Nation”.

Mr. Leahy (Member of the U.S. House of Representatives, Democrat Party)

“The Senate overwhelmingly passed Leahy- Crapo bill last April. In the nearly 10 months since, then thousands of women around the country have been victimized. This bipartisan bill will allow services to get to those in the LGBT community who have had trouble accessing services in the past. The bill also includes key improvement for immigrant victims of domestic and sexual violence”.

There remain some special interest lobbies, and some Senators who do not appreciate the role of the Federal Government in helping improve of Americans.

It is disappointed that Heritage Action and the Family Research Council are urging oppositions to our bipartisan bill.

I hope that Senators will listen, instead, to the victims and law enforcement and to the more than 1,400 national state and local organizations that strongly support our Violence Against Women Reauthorization.

I am proud that our bill seeks to support all victims, regardless of their immigration status, sexual orientation or their membership in an Indian tribe. “A victim is a victim”.

Ms. Grace Meng (Member of the United States House of Representatives, Democratic Party)

There’s much work to be done, all victims of domestic violence, including those in the LGBT community and those without documentation, must feel safe seeking help from our criminal justice system”.

Ms. Louise McIntosh Slaughter (Member of the U.S. House of Representatives, Democratic Party)

For example, the leadership’s amendment fails to explicitly protect LGBT victims, and limits protections for immigrants. At the same time, the amendment fails to close the legal loopholes that leave Native American victims of domestic violence with nowhere to turn

It’s dismaying that some in the majority want to weaken a strong bipartisan Senate bill, and it’s vital that this Chamber reject their alternative partisan amendment”.

Every time we’ve renewed the law our goal has been the same: to ensure that all victims of domestic violence, no matter their ethnicity their sexual orientation, their age or their gender are acknowledged and helped and protected by the law”.

Nydia M. Vazquez (Member of the U.S. House of Representatives, Democratic Party)

Ms. Velazquez- Mr. Speaker

“Yet this week we are considering a partisan bill that excludes some victims based on sexual orientation or immigration status. Does abuse not “count” if the victim happens to be a gay man or a lesbian? What if the victim is an undocumented worker?”

For undocumented women, abuse rates are slightly higher than the rest of the population, but go unreported for fear of deportation. Those are millions of people and thousands of New Yorkers who are being hurt. This legislation adds insult to their injury by basically saying because of who you are, we won’t help you. I hope my Republican colleagues agree that that is not the message we want to send. Vote “no” on the rule and the underlying bill so we can approve a real Violence Against Women Act that protects all victims equally. Shame on us. This should not be a partisan issue”.

Ms. Nancy Pelosi (Member of the U.S. House of Representatives. Democratic Party)

Ms. Pelosi -“It was 500 days since the Violence Against Women Act had expired. The reauthorizations is long overdue.

All of the women in the Senate. Democrats and Republicans alike, voted for this act. It also means that a majority of the Republicans in the Senate voted for this comprehensive Violence Against Women Act.

It’s really hard to explain to anyone why we would say to the women of America, Women of America, step forward; we are stopping violence against women. Not so fast if you’re an immigrant, not so fast if you’re a member of the LGBT community, not so fast if you’re a Native American. What is that? Violence against some women but not others? Quite frankly, the groups that are excluded by the House bill are the groups that are in the most need of protection against violence. So I would hope that in the course of the debate that we will move on to on the Violence Against Women Act that we will all open our hearts to what is needed to reduce violence in the lives of America’s women”.

New York Times 04/30/2017 “Too scared to report sexual abuse the Fear: Deportation”

Since the presidential election there has been a sharp downturn in reports of sexual assault and domestic violence among Latinos and many experts attribute the decline to fears of deportation.

Laura’s House stated that nearly half of the more than 70 new cases that Laura’s House received each month came from undocumented immigrants. In the last three months that number has dropped less than one a week.

Los Angeles Times. 09/10/2017 “Abuse victims stay silent over fears of deportation; Reports of domestic violence have fallen among Latino residents in some of California’s largest cities, expert say”

The Los Angeles County Domestic Violence Council typically received about a half dozen calls a week, with at least half from Spanish speakers. But since January it has received only two calls said Olivia Rodriguez the executive director. That is not normal.

According to Jennifer R. Johnson (2003), injustice is the result of where the damage caused by domestic violence is valued and quantified with a scale of less value. The Supreme Court of the United States must take action and put an end to discrimination where you should not just study the discrimination but also to study the existing privileges, that is to say, the system of privileges in our society to be able to identify the discrimination and make visible the invisible that is to say the system of privileges (1427-1428). Studies indicate that in our days there is an anti-immigrant discourse both formally and informally in the political area (Olivares 2014: 269)

Anna Maria Marshall and Scott Barclay (2000: 617) stated that the study of certain social problem organizations and institutions decentralizes the law and transforms the law from static to dynamic, bringing new ideas and interpretations creating "legal conscience". Therefore, all revisions, presentations and interpretations create the possibility of social change. Similarly, studies indicate that many social movements resort to litigation not only to win the case but also to provoke attention in the society of this social problem and to mobilize grassroots activists and organizations (620)

The reauthorization of VAWA 2013 coincides with times of economic decline in government spending including the end of the election cycle. There was a talk of "sequestration" (expenditure cuts to United States federal government), cuts, spending, lower government expenditures, and at the same time the House debates about the reauthorization of the Violence Against Women Act 2013. The historical moment in the United States was the start of an improvement in the economy as a nation after the great crisis that began in the year 2008. It was the time of elections during 2012 where Mitt Romney, candidate for the Republican Party, and Barack Obama, former president for the second term candidate for the Democrats, were running against one another. The election was won the Democrat and the African-American Barack

Obama who won a second term of his presidency. The House remained in control by the Republicans and the Senate was under the control of the Democrats.

On the other hand, the government with its increase in expenditures made the Republicans begin to talk about sequestration and shut down the government if there was not an agreement between the Republicans and the Democrats on public spending. Until that moment VAWA 2013 was still not enacted. Therefore, the debates about VAWA got interwoven with the spending of the government. The dialectical battle in the House was on the rise as VAWA has exceeded its time and its reauthorization was necessary in order to be able to continue offering services to victims of domestic violence. In a struggle without precedent the Republicans unconsciously or consciously made their main goal social control, thus the institutions and government and VAWA 2013 were instruments to their objective. Historically Democrats were more focused on social justice. The Democrats advocated that VAWA has saved money to the taxpayers and saved lives. Ms. Meng reinforced the idea that the money should be handed over to them. Democrats reaffirmed that the VAWA must protect all social groups at a disadvantage.

Marcuse stated that to be able to free oneself from an alienation of thought it is necessary to recognize and become aware of what he called "servitude" in order to have the freedom of thought or to recover the freedom of individual thought and thus bring personal problems to social issues with freedom of thought and have a true democracy (Langhofer & Winchester 2012:289).

Patriarchal ideology and intersectionality, the oppressive machinery

Studies show that since the beginning of the enactment of the immigration law was centered on patriarchal ideology. That is, although domestic violence can occur in every gender, it is true that studies indicate that statistically prevails in women the largest number in domestic violence by its partner. According to Ashley Arcidiacono (2010: 7) in the United States 34 percent to 49.8 percent of immigrant women are victims of domestic violence and 77 percent of married women dependent on the husband for their legal documentation are victims of domestic violence. Immigration law where the woman was subjugated to man, that is, depended on man for his legal situation on American soil. Although the law of immigration along with the law of VAWA has evolved offering a greater protection to the immigrant victim in their legal process of their legal documents without the need of the consent of the abuser has failed in many aspects.

Moreover, we face a society where the binomial man-woman, good-bad, black- white is engraved in the structure of society. The social construction of dominant and subordinate leads and continues to prevail in our society. The patriarchal system is not simple as horizontal or vertical. The patriarchy is a complex system that varies in intensity the oppression machinery depending on the different factors that come together in a person, social group or institution. Oppression is the result of the interlocked factors of gender, class, race, immigration status sexual preference and religion.

During Catherine Pierce's discourse at the hearing explained the benefits and results as well as the suitability of the VAWA law along the time to help victims of domestic violence. In addition, it also explained the importance of the social services, private and public organizations offered to all levels of the state and federal, and non-profit organizations when the conversational

interaction between Senator Sessions and Catherine Pierce (acting Director Office on Violence Against Women US Department of Justice) listed below occurred. During the process of the debate I have taken these two interactions to demonstrate how one of the actors took the position of control over the other actor by identifying their unawareness at that moment when the question is asked. And Senator Sessions took the opportunity with his symbolic power to diminish the actor who is a woman through language, words and communication.

Catherine Pierce (Acting Director Office on Violence Against Women U.S. Department of Justice)

Senator Sessions: - What information do you have that every department should test rapist for HIV?

Ms. Pierce I do not

Senator Sessions: Okay. Well, we have got a law says it. You are changing the subject on me. I just do not understand what the hesitation.

According to Patricia Hill Collins each individual experience their own oppression and are connected to other individuals, communities and social institutions and controlled by the social group in power where they protect their own interests. Ms. Pierce found herself before a patriarchal system where her knowledge of the institutions and experiences empowered her to resist the oppressive situation.

Studies showed that in governmental institutions like Congress, the patriarchal ideology where the dichotomy of male domination and women subordination prevails. Regardless, of the political ideology that any representative of congress have, it is clear that the belief that men should only be the ones to wield power. The attribution to the dual differentiation conditions not only physical but social gives men power and dominance and therefore the ideal to exercise both

governmental and legislative functions. According to Georgia Duerst Lathi (2002: 373), this was called “masculinism” ideology. DiStefano (1983), also called “male-dominated society or sexual inequality theory” (Gwen Hunnicutt 2009: 553) Therefore it is a male system. The number of seats occupied by the congresswomen and congressmen and the modus operandi through the language and intersubjective interactions verified how inequality and discrimination is in place.

Therefore, the spirit of the law is a reflection of ideologies of those actors who legislate and have political power that are embedded in United States. Hence, one of the components is the patriarchal ideology but it is not the only one that imposes itself but also the place or standpoint of the experience of the woman according to the interlocked of race, gender, class,

Therefore, the spirit of the law is a reflection of ideologies of those actors who legislate and have political power that are embedded in United States. Hence, one of the components is the patriarchal ideology but it is not the only one that imposes itself but also the place or standpoint of the experience of the woman according to the interlocked of race, gender, class, immigration status, and religion.

My focus is undocumented immigrant victims in domestic violence situation and their relationship with VAWA 2013 although there is domestic violence with both women and men as victims. However, undocumented immigrant victims in domestic violence are mostly women, and women with children. The U visa was created by Congress in the Battered Immigrant Women Protection Act of 2000 (BIWPA) and was contemplated in the reauthorization of VAWA 2000. The applicant to the U visa must meet a series of requirements to gain access to a temporary visas, which will help alleviate her situation of domestic violence. Every fiscal year the law grants 10,000 U Visas, but it was not until October 17, 2007 when the procedures and applications were approved. Therefore, all the U Visas not used until that moment could not be

granted causing an extensive waiting list, and not being able to use the leftovers of previous years for the applicants since 2008 (Kandel 2012).

Ulloa Lolita Managing Attorney Victim Services Division, Hennepin County Attorney's Office, Minneapolis, Minnesota.(2010)

One particular area is how we treat women who have been strangled. Trainings have been the most valuable in emphasizing culturally competent services to victims from diverse communities. Understanding community-specific hardships, language barriers, religious values, and cultural assimilation plays an important role in effective intervention.

The news at the time reflected the reality of immigrant victims and how the slow implementation of procedures put the lives of many women in situations of domestic violence at greater risk. Many of them are mothers whose children can be affected, as well as their larger families and society as a whole. The news screamed with clamor and placed in general knowledge as a population of immigrant victims, despite the existence of a law, those responsible for setting the standards and rules for the process diluted the procedures and implementation of the law:

The Santa Fe New Mexican "I didn't know what to do" by Barbara Ferry. 2005

"The Department of Homeland Security hasn't passed the regulations required to implement the law".

"Victims fear deportation if they report abuse".

"The guy isolates them completely".

"It's an exhaustive process" Ewer says"

New York Times. "Immigrant victims of abuse are illegally denied benefits, suit says" by Bernstein Nina. December 13, 2005.

“Immigrant victims of Abuse are illegally denied Benefits, Suit Says” The list of eligible immigration categories mistakenly omits “battered qualified alien”. “We have clients who have chosen to return to the abuser rather than not have food for their children”.

The concept of intersectionality is not only relevant at the individual level ,but also in the institutional and legal structure of society, where in this case the immigration law establishes the rules for access to shape the security of an undocumented immigrant victim in a situation of domestic violence.

Molina (2014) stated immigration laws in the United States have a relationship with race restricting immigration since the Immigration Act of 1924. Ngai (2004) explained the enormous crusade to keep the composition of the United States white and English speaking demonstrated by the anti-immigration sentiment against the Chinese immigrants, the Japanese immigrants and currently the Mexican Immigrants along history. Molina (2014:21) argued that “racial scripts” were key in establishing Mexican immigration as a problem. Thus, “these racial scripts provided a shorthand with which to construct Mexicans as “the Negro problem” of the Southwest”. (Molina, 2014:21).

According to Patricia Hill (2009:4) the level of oppression is at three levels in the individuals: at their micro level, which is their biography, at the level of their cultural environment created by the intersection of race, class, gender and the systematic level of the social institutions. The machinery of oppression is the gear between the individual to the societal structure (Black Feminist Thought: Knowledge Consciousness and the Politics of Empowerment. Boston: Unwin Hyman, 1990: 221-238.) (Collins 1990). The social position within the social structure of the immigrant victims is not casual, it is the result of social practices that endure throughout the history of a nation. The U.S. is a country made up of immigrants where the three

principles of the Constitution are Justice, Equality and Freedom, but egocentrism of a group of individuals that will call it elite transfers its egocentrism to the economic, politics and society. Those in control react when other social groups break that ideological hegemony. This is caused by fear, which favors the power and control of some and suffering for others. According to Bourdieu (Weininger 2004:121), society is structured where economic capital or class and cultural capital or symbolic status are interrelated at a higher or lower level by positioning individuals in a given social space or field with their closest identities "habitus". As a result this provokes a hierarchy of powers where those who place themselves in a dominant position reproduce and maintain their values and beliefs and ideologies through their representatives who are elected by themselves to maintain social control through social practices, which Bourdieu called it "symbolic power" (Weininger 2004). In other words, "capital and faithful habitus" generates social practices. According to Weininger (2004: 145), "social classification is simultaneously a social allocation of honor in Weber's sense". Thus, undocumented women in situations of domestic violence are human beings with their own identities--identities that are formed based on their intersectional statuses related to gender, economy, race and immigration status. They are undocumented women who are within the social hierarchy of the social structure, the last link and therefore women without a voice. Undocumented victims should have been given the opportunity to take floor in both chambers in order to participate as witnesses to structure the legal and social system that can give them safety, adequate protections and their needs. Immigrant and undocumented women who depended on the ideological thoughts and economic streams of those who have the power and control of the social system were not heard at the Congressional hearings. According to Bourdieu, the symbolic power requires legitimacy, and with this the naturalness of power of those in a dominant position and acceptance by those in

subordination is achieved (Navarro 2006: 14). Larger difference or distance between those with greater power and those who have less the greater will be its disadvantages (Stone 1985: 45).

Mr. Sensenbrenner: - I will introduce today's witness. Susan Carbon is Director of the Justice Department's Office of Violence Against Women. Or OVW. Prior to serving.....

..She is a graduate of the University of Wisconsin, Madison and then she didn't stay in Wisconsin to pay income taxes that helped pay for her education and left for the DePauw University College of Law (Laughter)(5).The witness written statement will be entered into the record in its entirety. I ask that Ms. Carbon summarize her testimony in 5 minutes or less, and to help you stay within that time limit you have got the blinking lights in front of you. (The Violence Against Women Act Building on 17 years of Accomplishments. July 13, 2011)

Patricia Hill Collins and Kimberley Williams Crenshaw scholars from critical race theory school stated that the intersection of race, class, gender, and sex varied and depending on the interlocked factors occupy a social space position in society

As empirical scholar here we have a proof of how during the presentation of Ms. Carbon she is incriminated bringing her personal life to the discourse, in this case, in the educational area, stating a statement of not wanting to pay taxes in addition to the laughter caused by what he claimed. Mr. Sensenbrenner endeavored to clarify her time limit of her testimony where it caused a pulse of force to control the social space where these debates are being held. This piece of text is an empirical demonstration of how the intersectionality of sex and class discriminates against women in their place of job. It is what Ange-Marie Hancock calls "intersectionality as a testable explanation" (2012: 260). In other words, here we have irrefutable documentary proof of the existing discrimination where the language and the communicative social action exist. (Hancock 2012:268)

Mr. Sensenbrenner introduced Ms. Carbon with a marked interest in diminishing credibility when the discourse should be about funds and grants, that is, citizens' money, and taxpayers. Mr. Sensenbrenner, specified how she transferred herself to another University with a motivation do not pay taxes. And according to the transcripts of the debates, there is a laugh from him. It is a way of social control before what she will clarify after all the interventions of both senators and witnesses. In other words, it uses the economic modus how the capitalist tradition uses to maintain the division of thought within the debates. According to Habermas in order to have a “rational consensus”, it is necessary to have an ideal discourse situation it is emphasized in an equality of discussion, free of all kind of domination and without a communications distortion (Pressler & Dasilva 1996:156).

Chairman, Committee on the Judiciary. Ms. Susan B. Carbon (Director, Office of Violence Against Women, U.S. Department of Justice).

Thank you very much, Chairman Sensenbrenner and I will do my best to assure that taxes are paid-Chairman, Smith, Ranking Member Scott, and Members of the Committee, for the opportunity to speak with you today about the work of the Office on Violence Against Women, or OVW, and the success of the Violence Against Women Act programs.

Given the long-term consequences for victims, their children, and our communities, the grant programs authorized under VAWA area an investment in our Nation's future.....

OVW administered VAWA funding has led to significant improvements in the civil and criminal justice systems encouraging victims to report these crimes, improving evidence collection in sexual assault and domestic violence cases, and increasing the issuance and enforcement of protection orders. With OVW leadership, communities are forging effective partnerships across disciplines to help victims reclaim their lives and hold offenders accountable.

I cannot stress enough how critical it is for Congress to reauthorize VAWA once again and to use this opportunity to sustain and strengthen our Nation's commitment and capacity to end violence against women.

According to FBI Uniform Crime Report data, between 1993 and 2010, the number of individuals killed by an intimate partner declined 30% for women and 66% for men. By reducing crimes and the subsequent costs to the criminal justice and health care systems, VAWA has realized cost savings. A 2002 study found that VAWA saved an estimated \$12.6 billion in net averted social costs in

its first six years alone 13 A recent study showed that the state of Kentucky averted \$85 million in costs by reducing violence and improving victims' quality of life through protection orders.

It is imperative that our grants administration activities inspire public confidence in our ability to carry out our mission.

In my study to understand the conception of the law, it is necessary to study not only the effect of the VAWA law in its macro context in society but also to study the debates, thus, the social actions through language at the micro level (Weismann 2007: 388). Society is not stagnant but is in constant social movement. And it is necessary to understand what domestic violence is and VAWA law in its scope, and how the scope of the social issues should adjust to these social changes. Like immigration and its consequences when an immigrant woman is in the United States of America and without documents. The globalization, economic crisis, whiteness ideology "domination-subordination", patriarchal ideology, panoptic, hence, surveillance and vigilance by the government institutions create a "status social group" such immigrant undocumented women in domestic violence. This is why you cannot treat domestic violence from an individual point of view but as domestic violence develops in the "lifeworld" (Weber) to address social problems and how to buffer or eradicate the domestic violence. Studies indicate that in order to eradicate domestic violence through arrests, prosecution and punishment, the problem of racism and abusive practices of the criminal system has not been contemplated (Weismann 2007:402). Studies argued that the intervention of the criminal system is not enough to eliminate domestic violence (Weismann 2007: 389).

Judy Chu requested specifically about the situation of immigrant victims of domestic violence and Ms. Carbon stated how important the question was. Ms. Carbon emphasized the problem of the English language and how they are working on this issue. Ms. Carbon emphasized

that immigrant women victims of domestic violence have “unique” needs and affirmed that this social group continues to be "underserved".

Judy Chu California (Member of the U.S. House of Representatives, Democratic Party).

Well, let me ask about immigrant victims. Many people believe that the immigrant victim provisions in VAWA in the reauthorization bill are a brand new expansion, but in reality those provisions have been in VAWA since 1994. So I know that you have been implementing some of these, but I still feel like there are gaps in the service. Could you talk about what you are doing to address immigrant victims of sexual violence and what more could be done?

Ms. Carbon: - That is an excellent question. Thank you. All of our grant programs-most of our grant programs-serve immigrant women, and we want to do and we continue to train on the unique needs that immigrant women face. We have also encouraged, through our solicitation process, that-and in fact, a particular concern this year is that we want to make sure we are reaching underserved communities. In many of the reports that we receive of the evaluations of our programs, we find that immigrant women continue to be underserved. So we are asking our grantees to reach out to make sure that they are looking in their communities, making their resources available to all women, immigrants included. So it is extremely important that we do so. We also do so from another angle, which is language access. Many immigrants come to this country and do not speak English or don't speak it well, and we have worked very aggressively throughout the Department, not just our office, in ensuring that immigrant women can have all services in a language which they can understand so they can have full access to those services. If they walk into a courtroom and they don't understand what is happening and I or somebody else have not ensured that they have an interpreter, then I have not done my job. And we are asking our grantees to ensure that across the board as they do their job.

Studies indicate that immigrant women are among the most populous of the population in the United States (Olivares: 236). The position of immigrant and undocumented women is in Bourdieu's theory is called “factorial space”, that is, the farther away from the other social groups the less symbolic power has. Bourdieu (1989: 20) explained "Social space tends to function as a symbolic space". In other words, the undocumented immigrant woman occupies a position determined by her race, class gender, sex, and immigration. The vulnerability of immigrant

women increases due to their legal situation and depends on the abuser. Although the VAWA law identified the immigrant victims of domestic violence as an underserved population, it is also true that during my study I have not seen that the issue of immigrant women has been treated as a social group with a different set of needs, so to say, needs as the lack of language, no information of the legal system, economic hardship, fear not only be deported but also fear of the community where they are located due to lack of knowledge of the culture. Basic needs as work, support in learning the culture in which they are, knowledge of the language, and as I have indicated, immigrant victims cannot be included in a single social group under the prism of the ideology of whiteness, it is necessary to know more deeply the needs that every social group within the immigrant victims most need to get out of that abusive relationship.

Neoliberalism as a disciplining discourse to shift to a larger social control

The discourses between Senator Jeff Sessions and Ms. Pierce as I understand from my position as a researcher where two ideologies with social connotations are dependent on the factorial space that occupies each other and their cultural capital, economic and symbolic power.

Senator Jeff Sessions (Member of the U.S House of Representatives, Republican Party)

Thank you Mr. Chairman, and thank you Ms. Pierce. We are delighted to have you here. I will not delay with any long remarks. And we look forward to hearing your testimony. We do spend a considerable sum of money. I have a very important mission. Every dollar of it needs to be wisely and most effectively spent, and I want to discuss that because programs as they age sometimes become less vibrant and effective than they were when they initially started. So I would like to talk about that.

I am real pleased by that, but I just would say continue the good research continue to get the information out so it can be utilized, and we will have fewer of these cases like Kristin. It is my personal view that a lot of individuals, unfortunately are very dangerous and the number of people who would actually kill somebody or stalk somebody consistently or sexually assault somebody is not that large in this country. If they are properly identified some of them need to be detained and

locked up for the offenses they commit, and that will perhaps prevent offenses in the future.

Statement of Catherine Pierce, (Acting Director of Office on Violence Against Women, U.S. Department of Justice)

Ms. Pierce: – “Thank you, Chairman Leahy and Ranking Member Sessions and members of the Committee, for the opportunity to speak with you today. As you said, my name is Catherine Pierce, and I am the Acting Director of the Department of Justice’s Office on Violence Against Women. I am here today to discuss both the remarkable progress made since the Violence Against Women Act was enacted almost 15 years ago and the challenges ahead.

I want to personally thank the Chairman and Committee staff for working so closely with the Department on S. 327. The Improving Assistance to Domestic and Sexual Violence Victims of 2009. This bill contains a number of much needed amendment to improve VAWA’s grant programs.”

Every day, VAWA funding makes a difference in how communities across America assist and protect victims. OVW's 19 grant programs provide funding to States, local governments, tribal governments, and nonprofit organizations to assist communities, encouraging them to develop innovative strategies to respond to violence against women.

While VAWA has made a tremendous difference in the lives of many, we recognize that we have also left many women behind, particularly women of color.

According to Jorgensen & Phillips (2002: 14) the "effects truth" in the debates is necessary to study in order to understand the social reality. The debates between Senator Jeff Sessions and Ms. Pierce, exudes a clear differentiation of ideologies. Hierarchy and formalism in the discourse is established following the norms of an organized institutional system. According to Van Dijk (1993:255) "power and dominance are usually organized and institutionalized". In addition there is a clear differentiation of the social space that each of the interlocutors occupied. An ideology can be established through language to create a specific reality that represents the interests of a particular social group, which is what Jorgensen & Phillips (2002:14) called “effects of truth”.

The speech of Senator Jeff Sessions has a clear neoliberal ideology and policy connotation. The ideology of social justice predominated during the speeches for the enactment of the landmark law of VAWA 1994, and its reauthorizations of VAWA 2000 and VAWA 2005. But the debates of the reauthorization of 2013 the conservative wing diverges towards a neo-liberal ideological thought as seen through the speech of Senator Sessions. Ms. Pierce focused her statements on victims of domestic violence as a priority in her arguments. She focused on the need to continue with the work begun 15 years before with the 1994 VAWA. She stressed the importance of funds and grants that should be directed to training, and educational needs for the victims as well as punishments for those who break the law. Senator Jeff Sessions instead prioritized the control of expenses, that there needed to be audited because it is the taxpayers' money, highlight the economic efficiency, and that should be a greater focus on the criminal system with the imposition of minimum mandatory sentences.

The fundamental principle of neo-liberalism is the minimum intervention by the government contrary to the Keynesian ideology, which is to look for the social good and social justice through greater involvement on the part of the government (Bockman 2013). Neoliberalism advocates for social cuts, where the social aid must come from non-governmental organizations as well as religious movement, nationalism marking the beginning of the idea of "neo-conservatism" (Bockman 2013:15). Neoliberalism states that the individuals are the only one responsible for their situation and any hard times that they encounter. Individualism is the core of the neo-liberalism. It produces a political discourse on the nature of the rules and laws and the set of practices of how to facilitate the government of individuals from a distance (Larner 2000: 6). Neoliberalism advocates for less government intervention in the individuals of the society but it does not imply that extend of the control and power in forms of government in

order to maintain the hegemony of the social group in power or in another manner of the elite " market governance" (Larner 2000:12).

According to (Larner 2000: 12) "neo-liberalism may seem less government that does not follow that there is less governance." That is, on the one hand, less intervention by the federal government with less intention of allocating provisions to increase funds and welfare and protection grants for the victims of domestic violence. Therefore, within the hierarchy established by the social space that occupies the structure of society, the undocumented immigrant victims in domestic violence are in the last aid link. However, Senator Jeff Sessions contemplated a greater criminal justice control and creates a bigger cost control meaning bigger administrative expenses to accomplish these needs. He advocated for greater social control through laws and institutions (Larner 2000). However, Ms. Pierce is driven towards the wellbeing of the victims of domestic violence, improve the provisions of VAWA and funds to a better service to the "undeserved population". Moreover, enhance the work of the community, state, non-profit organizations and the Department of Justice. However, Ms. Pierces recognized there is still much to improve and that their attentions should be also turned to women of color, and undocumented immigrants. Studies showed that when women are in a formal positions often the male representatives speak with a superiority character to them despite having positions of high responsibility. Women also have different ways of expressing themselves to express power where inherent ideologies are found in the society (Duerst-Lathi 2000:382).

Hearing on "The Increased Importance of the Violence Against Women Act in a Time of Economic Crisis" (2010)

At the beginning of the hearing, Chairman Leahy (Member of the U.S. House of Representatives, Democrat Party) stressed the importance of the Violence Against Women Act in times of economic crisis.

Chairman Leahy, in his overview, specified how in times of economic crisis, victims of domestic violence are more vulnerable, and the existence of a better response to the victims of domestic violence from the community to this social problem along with the work of social organizations, state, federal and nonprofit organizations can make a big difference in the victims' lives. Chairman Leahy strengthened the importance to protect immigrant women and Native American because these are the groups with the highest number of acts of domestic violence. Chairman Leahy detailed how Senator Murray introduced a bill to improve and increase economic aid in different areas to victims of domestic violence.

The Chairman Leahy introduced Judge Susan Carbon (Director of the Office on Violence Against Women).

Chairman Leahy: - 'We are going to hear today from Judge Susan Carbon, the Director of the Office on Violence Against Women. Judge Carbon has led efforts to combat unfortunately, the problem of domestic and sexual violence persists, and in times of economic crises, the victims become even more vulnerable. The Violence Against Women Act has transformed our criminal justice system. It has improved legal and law enforcement response to the complex issues of domestic and dating violence. domestic violence at the State and national level. I look forward hearing her perspective.

Unfortunately, these services can sometimes mean the difference literally between life and death for some victims. I advocated for increased funding of VAWA programs in the American Recovery and Reinvestment Act. I was pleased that the Recovery Act included \$50 million for transitional housing assistance. But I think we have to go further. We have to prioritize our response to the high rates of violence experienced by Native American and immigrant women. We have to think of new and better ways of doing these things.

On the other hand, Senator Sessions by thanking the present holder of the position where he specified that because of his experience in the federal government it is necessary to have periodic reviews to introduce new input and reconfirm to fulfill of its “basic mission”. Senator Sessions explained that despite knowing about domestic violence is a lack of information between different social strata, in particular, mentioned the law enforcement. He recognized that a lot of research was done but not enough is known. He stated that Ms. Carbon need to lead “our people” so they can be informed throughout the federal state to apply a better policy.

Senator Jeff Sessions (Member of the U.S. House of Representatives, Republican Party)

I just believe from my experience in the Federal Government and working with various different agencies that you need periodic re-evaluations and new excitement and recommitment to the basic mission.

...Police officers and probation officers and others need to be informed on what is the best way to handle these situations...

So I hope that you will take lead in that in making sure that we properly inform our people throughout the country as to what the best policy should be.

The Republican Senators, in this case, the Senator Sessions, identified himself and his interlocutor with his symbolic power, that is, the “cultural capital” for his identification of the “habitus” and “social space” to create his social reality and through the knowledge create power which is produced because of his dominant position.

These fragments of the debates validate how the Republican Senators even recognize the fundamental value of the landmark of VAWA for the American society to protect the most vulnerable social group of our society. Yet, they demonstrate a greater concern about identifying and recording economic issues as expenditures and administrative issues about money expenses. The use of words like “taxpayers”, “money”, “economic crises”, “audit”, hence, “*Nation*

confronts serious economic challenges” communicated that the VAWA law is an economic burden and an excessive cost for the taxpayers. Another concern is the abuser identification and imprisonment as soon as possible to avoid other abuses. It is essential to improve the prison system and work with the prison complex system to imprison them. Neo-liberalism supports the maintenance of order and social control with the expansion of the prison system and security system (Bockman 2013:15). During the debate, the imbalance in the power and dominion between the intersubjective actions is accentuated. The social power in this case is held by Mr. Sessions indicating power and control where through communication is limiting the speaker's freedom in addition to managing the minds of the participants. Introducing the idea of malfunctioning, the need for more control and revisions is what Foucault (1975) called "disciplinary control". It is the use of discourse to manipulate in favor of their own interests (Dijk 1993).

Judge Carbon during her presentation ratified how VAWA acquires a greater role in times of economic crisis. Judge Carbon also talked about the effectiveness of law enforcement, the Department of Justice and all the organizations involved in helping victims of domestic violence being who are living through the crime of domestic violence. How important are the funds to meet the needs for prevention, intervention, training and how the local and state jurisdictions exercise their power with success and efficiency. At the same time, she answered Senator Sessions's questions.

Judge Carbon: - “The resources that are authorized by VAWA have never been more important than they are today. As our Nation confronts serious economic challenges, everyone is affected, particularly victims of domestic violence who are so often isolated”.

Historically, OVW has focused on intervention, and that is to say providing services to victims and holding offenders accountable.

...then we need to broaden our focus and incorporate prevention strategies in all that we do.

...Coordinated community approach to addressing domestic violence, sexual assault, dating victims and stalking.

... Intervention services will remain critical, and in particular as we look at housing assistance and economic stability for victims...

Senator Sessions: - “Judge, as a State judge, you have a good perspective, and I guess the reality of these issues as a family judge particularly you have seen it. Do you envision a fundamental alteration in the understanding we have already always had that the State and local jurisdictions should be the primary front line entities who deal with violence against women?”

Judge Carbon: -“In my experience Senator Sessions-that you-as a State court judge, a family court judge, the resources provided by the Violence Against Women Act have enabled us on the ground to reach victims and children”.

Senator Sessions: - No. I am just asking you fundamentally. Do you still envision or do you have a different view about the role of the Federal Government as an aider, assister, enabler of State and local programs? Or do you view that would move more to a Federal kind of program?

Judge Carbon:-I would envision that we would retain our current framework I think it has been very effective.

...we have turnover all the time, and there is a continuing ongoing need to train and educate people about good practice....

Senator Sessions: -You may have a good program working in a community and some of the keys players go or leave, and you are back to not effective as you would like to be....

As a former judge do you agree that long predicable sentence including mandatory minimum sentences, for rapists and other sexual offenders help deter violent sex offender, prevent recidivism and better protect victims of crime? Why or why not?”

Judge Carbon: - As a former judge, I learned first-hand that the most effective way to improve judicial response to violence against women is through intensive judicial training. Judicial skills must be enhanced to provide comprehensive and appropriate response to issues such as abuse through technology elder abuse, victims with disabilities and victims from underserved communities”.

During the questionnaire of Senator Sessions “*Judge, as a State judge, you have a good perspective*”, showed that the Judge Carbon used the same language to answer the Senator Sessions “*In my experience Senator Sessions-that you-as a State court judge*”. Senator Sessions asked the Judge that if with her experience should there be a change in the structure that has been maintained until now, that is the direct involvement by the local and state jurisdiction or there should be a change to a federal system which is to say a control by the federal government. In addition, Senator Sessions asked if “minimum mandatory sentences” should be instituted. She answered that due to her experience the training of the judicial system is the best way and that the judicial system knows how to deal with the different cases of violence.

The underlying idea in Senator Sessions is to consider to be part of his group with neo-liberal conservative ideologies to fulfill his own ideological program which is the control of both local and state jurisdictions through the establishment of minimum sentences and a greater control of the programs at the federal level thus a weakening in the decisions of judicial institutions and a social control. According to Larner (2000:6), the underline idea is to convince or make see the need for a political change in the managing of certain institutions under certain arguments. However, the struggle between the hegemonic power and the opposition can bring new politics and new social identities with the effect of restructuring discourse (Larner (2000:12).

Senator Orrin Hatch stated that the economic crisis does not create domestic violence although warned that it can increase it. He did not recognize that domestic violence can be caused by economic factors such as unemployment or precarious jobs that will not sustain the

family, claiming that the individual is the only culprit of domestic violence. Thus, the shifting discourse from human concern to budget and individualism is steadfast.

Senator Orrin Hatch (Member of the U.S. House of Representatives, Republican Party) (2010).

Although economic crisis does not cause domestic violence, it may increase existing violence in the home. Studies have shown that financial strain and unemployment are correlated to an increase in continuing domestic violence ...

“Now, is the Department of Justice accumulating data that tracks economic factors as a contributing factor to domestic violence?”

Senator Russell D. Feingold (Member of the U.S. House of Representatives, Democrat Party)

... During a single day in Wisconsin in 2009, 1,900 victims were served by domestic violence services. During the same timeframe 273 people had to be turned away due to lack of funding and staff. This statistics of victimizations are staggering and a commitment from Congress to continue to support victim assistance programs is essential.

Richard J. Gelles, PhD Dean Joanne and Raymond Welsh Chair of Child Welfare and Family Violence School of Social Policy & Practice University of Pennsylvania.

I have, for the last 40 years conducted research on violence against women, child abuse and neglect, elder abuse and other forms of family violence.research that examined the effectiveness of arresting misdemeanor domestic violence offenders found that male offenders who were unemployed and living in communities with high rates of unemployment were not deterred by arrest and even escalated their violence after an arrest for domestic violence.

The debates in the Chambers are very explicit in their dialectical structure where the understanding of the VAWA law and its priority, which is the protection of victims of domestic violence and sexual assault, has a different interpretation depending on the values and beliefs of each social group depending on its hierarchical and institutional position in society. Some advocate for the lives of those who want to be protected as a priority in the regulation of the reauthorization of 2013, focusing on the welfare of the individual for a more just and egalitarian society. On the

other hand we have the defenders of the VAWA law as long as it does not affect the established system of a social hierarchical order and maintaining the inequality and division for a better and greater social control by the elite. Although later his claim is refuted by studies carried out as Mr. Gelles where it showed that in communities where unemployment is high, domestic violence is higher than in communities with higher employment. Therefore the immigrant victim for lack of documents, and dependence is at a greater risk of domestic violence and more vulnerable.

On the other hand, society demands attention to undocumented immigrant victims of domestic violence. They ask for solutions and funds to help them to get out of the circle of violence, thus a greater social justice. The difference between the society and the governmental bodies in the perception of the victims is completely opposed. As it is said in one of the news the immigration officers do not have the provisions in which they include the "illegal immigrants" that is, the immigration law is above VAWA to have a greater social control not only to individuals but also to institutions. It is what Foucault called "disciplinary society", hence, disciplinary methods became "general formulas of domination" (Sargiacomo 2009:273).

New York Times "Sanctuary for Victims of Abuse in New York" by Finn Robin. (1923-Current file). December 27, 2009.

"Many of Sanctuary's immigrant clients are fleeing abusive relationships and, since they are here illegally, are terrified of deportation".

Tribune Business News. Washington. "Domestic Violence Act may not apply to illegal immigrants seeking citizenship" 2008.

But federal immigration officials are arguing that the Violence Against Women Act and its revisions don't include provisions for illegal immigrants.

Hearing Serial No. 112-155 before the Subcommittee on Crime Terrorism and Homeland Security of the Committee on the Judiciary House of Representatives. February 16, 2012

During the opening of the hearing Serial No. 112-155, Chairperson Sensenbrenner, explained the importance of VAWA since its historic birth and how it has helped many victims throughout the country. He stated it is a law that provides, protection, assistance, services and support to victims of domestic violence crimes.

The introduction was based on a brief synopsis of the VAWA history and the creation of the Office of Domestic Violence and explained how the different programs have helped many "women" who are the victims of these crimes (2012: 1). Mr. Sensenbrenner specified how since its inception more than \$ 4.7 billion has been awarded in grants and other agreements. He reiterated how the Federal Government has to reduce expenses, and at the same time need to know exactly where and how the money is distributed and how could be more effective. He stated how through auditing they found what the Chairman Sensenbrenner called "violations and abuses of grants" (2). He clearly stated how it is possible that the management by domestic violence offices has allowed this. So, he wanted to know if Mr. Carbon took action on this serious problem.

Mr. F. James Sensenbrenner Jr. Representative in Congress from the State of Wisconsin and Chairman, Subcommittee on Crime, Terrorism, and Homeland Security (Member of the U.S House of Representatives, Republican Party).

Although there exists bipartisan support for OVW's mission in these very difficult economic times where the Federal Government must drastically reduce its spending we simply cannot continue to allocate resources without verifying that they are being used effectively and efficiently as possible.

...This is all taxpayers' money that may not have gone toward the intended purpose of helping victims of domestic violence or sexual assault.

Mr. Scott: - On the individual level VAWA is estimated to cost about \$15.50 per U.S. woman and be expected to save \$159 per women in averted costs of criminalization

And so this shows that this is a fiscally responsible program.

....According to the Department of Justice, the rate of domestic violence triples when economic strain increases....

A survey of recipients of Virginia's domestic violence services the question was asked, what would you have done if the shelter had not existed? 22 percent of services recipient indicated that they would have been homeless. 21 percent said they would have been compelled to return to their abusers and 10% believed that they would be dead by now at the hands of their abusers (4).

On the other hand, Mr. Scott, with few words, clarified how these problems have already been corrected and a series of processes have been established to improve the system. He reiterated the importance of the money that has been awarded to the programs because despite the expense the benefit in economic numbers has been much higher. According to Max Weber understanding is all that human action "orientation" that takes a position with reference to the object and therefore the meaning of that "orientation" constitutes the subjective intention of the actor ((Pressler & Dasilva 996:24). Mr. Scott applying the numbers takes a positive position in reference to the law as a service to all women and that despite the cost in the short and medium term the cost is zero since in a wider sphere it is a saving to society and indicates the importance of the law and its progress for the protection of victims of domestic violence. Max Weber named it "orientation" and "rational-instrumental", hereto a logical linking with the goal of the actor (Pressler & Dasilva 996:24).

Neoliberalism and capitalism create a stratification among the victims of domestic violence to maintain the division and control of power using race and social class. That is, according to Weber's theory if the woman victim of domestic violence is classified and analyzed through the development of current technology, we enter a bureaucracy where standards are created far from the individual and social reality. According to Habermas (Pressler & Dasilva 1996), language and

communication are instruments that are part of the social interaction of human beings to understand each other.

Foucault affirmed that the repression of the disciplinary society is the result of power. The order of vigilance is a form of power or a mechanism of power that establishes or controls human behavior in society. Discipline is a form of social control within the general idea of power. In other words, victims of domestic violence should know that they are watched, that is, that surveillance is visible. The victim has to be aware of that power through surveillance like the law enforcement, national security and governmental institutions “panopticism” (Longhofer & Winchester 2012:302). Power according to Foucault is not only in a group of people, but is a system in which different institutions, such as the judicial, economic and political, are interrelated.

Mr. Scott applying the numbers takes a positive position in reference to the law as a service to all women and that despite the cost in the short and medium term the cost is zero since in a wider sphere it is a saving to society and indicates the importance of the law and its progress for the protection of victims of domestic violence. Max Weber named it "orientation" and "rational-instrumental", hereto a logical linking with the goal of the actor (Pressler & Dasilva 996:24).

Hearing Serial No. 112-155 before the Subcommittee on Crime Terrorism and Homeland Security of the Committee on the Judiciary House of Representatives.
February 16, 2012

Senator Sensenbrenner :-There is a cloud over the program not in what its goals are but in how it has been administered. What are you and your office doing to make sure that we do not have any more really awful audit reports from the IG that we have had in the past few years?

Ms. Carbon : - Thank you, Chairman Sensenbrenner. We take this issue extremely seriously, and we have no more interest than you in seeing that there be any fraud, waste, or abuse of any Federal taxpayer money. In my view, it is critically important that the funds that Congress appropriates go

Mr. Sensenbrenner.- Don't have a long litany because I have 5 minutes and I have got two follow-up questions on that.

Globalization as an economic system and a process facilitated by technological advances and the expansion of the neoliberal ideology; that is, by means of deregulation it affects the entire human beings community, especially immigrants, because of their spatial situation in the social system. According to Weismann (2007:410/416). Globalization is not gender neutral, women in particular suffer from poor working conditions, forced migration, sex trafficking, and violence, as well as isolation with a high risk of domestic violence.

The ideology of whiteness, where the capitalist ideology prevails and where the elite or those who represent power maintain the black-white, man-woman dichotomy, for social control where intersectionality by gender is present in these texts, that is, in the transcripts of the debates about the VAWA law where many of the victims are women and undocumented. A law that by its name is already gendered. Ideology that maintains the division and categorization of social groups to reproduce and maintain the status quo that is to say reduce and to diminish importance to the problematic of domestic violence. Max Weber explained that technology and its advance increases the organization and canons and determines the rules of the game in intersubjective relationships, influencing our individual decisions. It is what Weber called "disenchantment". That is to say the bureaucracy through the technological rationalization the repression reaches its maximum indices. Now, for Habermas (Pressler & Dasilva 1996) there is a democratic principle that is, where intersubjective social actions have the same degree of equality, we can instill the reason and we can reach public sphere debates with equal conditions and reach a true democracy.

Ms. Carbon:- Let me tell you that we have established our own grants financial management division which has been able to provide a great deal of expertise to our grantees. We have also looked into-you speak to the issue of the audits .We have looked into those very carefully and worked with the

IG to resolve those concerns, and I am happy to give you detail later if you wish.

Mr. Sensenbrenner: - Could you please do that in writing? And without objection, it will be included in the record.

Ms. Carbon: - The longer the lapse in time, the greater the likelihood an offender may persuade the victim to drop the charges, or coerce the victim into declining to testify. National studies have shown that courts need to take a more holistic approach to domestic violence case management in order to fully address the complexities of domestic violence cases and the needs and interests of the victims who seek remedies through the courts.

Victims of domestic violence, however, often need highly trained attorneys willing to take on lengthy and complex litigation beyond the protection order hearing. Resources for this purpose are woefully inadequate.

Communities now recognize the specialized needs of victims and the training required to effectively respond to these types of crimes. In addition to providing direct services such as crisis intervention, advocacy, counseling, legal support and representation, and shelter, communities across the country engage in a wide variety of educational and preventive services.

Judy Chu California (Member of the U.S. House of Representatives, Democratic Party).

Well, let me ask about immigrant victims. Many people believe that the immigrant victim provisions in VAWA in the reauthorization bill are a brand new expansion, but in reality those provisions have been in VAWA since 1994. So I know that you have been implementing some of these, but I still feel like there are gaps in the service. Could you talk about what you are doing to address immigrant victims of sexual violence and what more could be done?

Ms. Carbon: - That is an excellent question. Thank you. All of our grant programs-most of our grant programs-serve immigrant women, and we want to do and we continue to train on the unique needs that immigrant women face. We have also encouraged, through our solicitation process, that-and in fact, a particular concern this year is that we want to make sure we are reaching underserved communities. In many of the reports that we receive of the evaluations of our programs, we find that immigrant women continue to be underserved. So we are asking our grantees to reach out to make sure that they are looking in their communities, making their resources available to all women, immigrants included. So it is extremely important that we do so. We also do so from another angle, which is language access. Many immigrants come to this country and do not speak English or don't speak it well, and we have worked very aggressively throughout the Department, not just our office, in ensuring that immigrant women can have all services in a language which they can understand so they can have full access to those services. If they walk into a courtroom and they don't understand what is happening and I or somebody else have not ensured that they have an interpreter, then I have not

done my job. And we are asking our grantees to ensure that across the board as they do their job.

Conclusion

The reason for my study was to answer my question "how the Violence Against Women Act discursively constructs immigrant women as" worthy "of protection. Through the critical discourse analysis method I have found that minority groups do not have a voice in the process of constructing VAWA. This has resulted in an understanding of the ideological forces present in the process of the reauthorization of VAWA 2013. In the debates that transpired the two dominant forces had an explicit objective in reauthorization but there was an implicit struggle to control power not only on VAWA 2013 but also in the different areas of governmental organization politicians who represent a large part of the population of the United States in the two great ideological wings. On one hand, conservative Republicans maintain the status quo using strategies such as the economic situation that the country is going through to reinforce its conservative objectives. They referred to negative testimonies like "marriage fraud" to justify the need to make changes in the law and access a more restrictive and complex laws for the most vulnerable population like immigrant undocumented women in domestic violence

My study found that VAWA 2013 in Title VIII includes some positive provisions towards undocumented immigrant women such as the inclusion of "stalking" for implementation of the U Visa and "confidentiality" clause remained, which is a very important provision for the safety to undocumented immigrant women. However, their position in the social space that they occupy in the social structure implies not only suffering the consequences of being in a situation of control and subordination on the part of the abuser, but also having to suffer the consequences of a social structure not being exempt from the punishment for being an immigrant and undocumented.

The immigrant woman in domestic violence have to go through the "examination" process, which are "hierarchical techniques of observation and standardization in judging" (Sargiacomo 2009: 275). That is, the volume of documents and certifications that must be presented and approved by the different governmental bodies as "good faith" or "credible evidence" with the promise to help law enforcement to capture the perpetrator or abuser and countless documents will then be qualified, classified and judged according to those documents. They also judge whether the undocumented immigrant woman with domestic violence is "worthy" of having legal documents in the United States. Immigrant woman have has to suffer being judged, approved or suspended (Sargiacomo 2009: 275).

The undocumented immigrant women have to suffer fears towards the abuser, towards deportation, fear to be stopped by law enforcement, often with limited or no English language, in addition to feeling isolation and having a precarious economy, where there are few opportunity for jobs, In most cases, they face a patriarchal system of domination and subordination at the family or micro level but also at the macro or societal level. The social space where the undocumented immigrant women are located is last link of the established social hierarchy. The immigrant women with domestic violence suffer the machinery of oppression through the intersection of factors such as race, class, gender, immigration status, economic situations and religion. The immigrant women are doubly exposed to domestic violence and to "symbolic violence" (Bourdieu year needed).

Although VAWA 2013 is the law par excellence for the defense of domestic violence victims, it is also subject to immigration laws, and this interconnection between laws is the reflection of an organized hierarchy society where the laws establish discipline and is control by other institutions and laws. Undocumented women who, having the same gender, occupy a social

space or field (Bourdieu year) for their physical and cultural characteristics (Stone year) share the same risk which is to be killed by the abuser. The social structure considers that their lives do not have the same value since their journey is harder when they need legal protection to get out of the shadows.

VAWA is a vulnerable law as an undocumented immigrant woman because it is subordinated to the representatives of society that reproduces the ideologies, economic situation and political trends that prevail in a particular historical moment. VAWA 2013 in its process and reauthorization suffers the consequences of an economic situation, struggle for political and social power. Republicans and Democrats agree that the law is necessary and essential because domestic violence is an evil that must be eradicated from society because it has a cost lives and in economy. But the recognition by both parties of the "normalization" of hierarchy observation and judgment makes this division between women dependent on their characteristics, this is embedded deeply in the society. The Democrats have a vision towards social justice and operate under the slogan of equality for all. However, normality in the differentiation between women in the law of VAWA is a norm accepted by all the existing ideologies in the country. According to Foucault, the normalization of judging is an essential practice for discipline and punishment (Massimo Sargiacomo 2009).

Laurence Parker and Marvin Lynn (2002: 9) stated that:

... racism should not be viewed as acts of individual prejudice that can be eradicated.

Rather, it is an endemic part of American life, deeply ingrained through historical consciousness and ideological choices about race, which in turn has directly shaped the U.S. legal system and the ways people think about the law, racial categories and privilege.

In January 2017, it was published an “Open Letter Written to United States Senate Civil Human Rights Organizations Oppose Confirmation of Jeff Sessions” (News Service, USA) jointly with different associations opposing the election of Jeff Sessions. Where he is accused of having prejudices and to have relations with associations of white supremacy beliefs as well as being against a comprehensive Immigration Reform as with respect to address violence against women. Likewise, Women's Rights declares that Mr. Sessions did not supported the progress of women's rights legislation.

Therefore, VAWA, as its name indicates, should contemplate all women equally when legislating women in domestic violence and not establish categories depending on their physical or cultural or ethnic characteristics. Domestic violence is the same for all women equally, and are victims equally of the abuser or perpetrator. When legislating, the condition of “victim” must prevail and offer all the necessary, legal, economic resources, and social services in order to get out of that toxic circle. VAWA should be a law where victims, including undocumented immigrant women in domestic violence expose their realities, thus, it is necessary to make a new analysis with the participations of the undocumented immigrant voices and redefine the approach of undocumented women in domestic violence situations. They should have a voice and be able to analyze, establish and improve the law and social services for immigrant undocumented women. A law that protects women without exception is necessary.

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