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Bipartisan Women Made Anti-Violence Act Happen

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The current partisan bickering and the 50-50 split in the next Senate make it critical that true bipartisanship prevail in the 107th Congress. Here's a rare story of bipartisan success: two women who teamed up to help battered immigrant women.

WASHINGTON (WOMENSENEWS)--In an accomplishment that could serve as an example in what are expected to be troubling days ahead, two high-level aides in the U.S. Senate, both women, one a Republican and one a Democrat, successfully collaborated to shape and then shepherd through both houses of Congress crucial legislation to help battered immigrant women.

Lee Otis, Esther Olavarria

Their bipartisan determination, willingness to listen and ability to persuade male senators led to passage of the \$3.8 billion Victims of Trafficking and Violence Protection Act of 2000, signed into law in late October. The act contains the Battered Women Protection Act, the Violence Against Women Act and other legislation.

Republican Lee Otis, chief counsel for the Senate subcommittee on immigration, and Esther Olavarria, counsel to ranking minority subcommittee member Edward M. Kennedy (D-Mass.), are the unsung protagonists in the backroom maneuvering to improve the lives of the most voiceless, powerless victims of domestic abuse.

The result was a dramatic change in the law on behalf of battered immigrant spouses, ending the nearly life-and-death power their abuser had to decide whether they could remain in the United States.

Whether this kind of effective partnership can be replicated in the next congress is uncertain. Otis is leaving, along with her boss, Spencer Abraham (R-Mich.), who lost his bid for re-election to Democrat Debbie Stabenow. Olavarria will be working with new Republican faces on the subcommittee and a new collaboration could emerge.

Partisan resentments are running high as a result of the presidential election, and the next Senate will be split 50-50 along party lines, making legislative gridlock a real possibility. The Otis-Olavarria type of bipartisanship will need to happen more frequently if significant work is to be done in the next Congress.

"More often than not, this type of partnership doesn't happen. But partnerships are more critical than ever now," Otis said in an interview. Otis conceded that her position lent credibility to her message to fellow Republicans who wanted to help women but worried about encouraging illegal immigration. "It was very important to have me as a Republican staffer say, 'No, this is not some crazy Democratic project.'"

Women Worked to Help Battered Immigrant

Women Avoid Deportation

Otis's passion about the issue was apparently persuasive.

"There were so many attempts to get this enacted. A year ago, I would have said there is no way that this broad of a bill would make it," Olavarria said in an interview.

She and Otis worked behind the scenes with Leslye Orloff, director of NOW Legal Defense and Education Fund's immigrant women's project, negotiating back and forth among Republican and Democratic staffers in both the Senate and House, arguing the finer points.

They claim their secret is open discussion and airing of the issues, listening and trust. Then the hard work: educating and persuading others.

The original Violence Against Women Act of 1994 created new criminal statutes pertaining to domestic abuse and helped develop initiatives aimed at preventing such violence. A national domestic violence hotline, set up under the act, has helped thousands of women since 1996. Funds provided directly to communities have aided battered women and made possible programs designed to educate victims about their rights and protect them from further harm. Other programs have educated prosecutors and judicial authorities alike about domestic violence and abuse.

The act also contained provisions to help battered immigrant women, but some shortcomings became evident. Otis, Olavarria and Orloff worked together to make sure the new law would be better.

In the ensuing years, Orloff and other activists documented case after case in which women were dependent on a battering spouse. The typical scenario was that the U.S. citizen husband had returned to his homeland and married, signing the documents necessary for his wife to enter the United States. Or the citizen-spouse met and married a woman here on a temporary visa, leaving her dependent on her husband for permission to stay in the United States.

Current immigration law permits a spouse who legally resides in the United States to file for a visa for a spouse.

"This would seem to make general sense," Otis said, "but it presents a problem because an abusive spouse can use this as a tool for controlling the abused spouse."

Too often, an abusive spouse with this power wielded it as part of an array of abusive strategies, threatening to refuse to renew a visa or otherwise interfere with the battered woman's residency status. The threat was especially powerful to mothers who could face deportation and thus forced separation from their children—who might be left behind with their abuser.

New Protections Include Deportation Waiver, Eased Visa Rules

Otis and Olavarria worked together to make sure the new law would provide wider protections addressing this reality. The recently reauthorized and strengthened Violence Against Women Act contains these new protections for battered immigrant women:

- Deportation waiver. Abused women facing deportation may remain in the United States while applying for permanent residency. Previously, they were required to leave the country before applying for visas and they could be barred from re-entry for as long as 10 years.
- Relaxed visa requirements. Abused women no longer must document

"extreme hardship" in applying for their own legal residency visas.

- Permission to file independently for a visa, without requiring the abusive citizen-spouse in the country to co-sign the paperwork.
- Permission to remain in the United States while filing for a visa. Immigrants are ordinarily required to leave the United States and return to their countries of origin to file applications. This sometimes resulted in mothers being forced to leave their children behind, often in the care of their abuser.
- Some lenience for women convicted of domestic violence arising from a dispute with their spouses or partners. The 1996 immigration law says an immigrant is subject to deportation for any criminal act, no matter how minor, but the law posed a problem for women who were victims of domestic abuse and then became violent in their own self-defense.
- Creation of a new, non-immigrant visa, the U-visa. Certain immigrant crime victims, who have suffered physical or emotional injury as the result of a crime committed against them in the United States, are eligible.

Discussion, Education and Persuasion Made It Happen

These changes that could bring enormous improvements in battered immigrant women's lives began with Otis, Olavarria and Orloff.

"Listening proved crucial." Otis said. "Rather than insisting on a position, all three women attempted to understand the others' points of view. Once you understand another's point of view, even if you do not agree with it, you can set about finding a reasonable compromise," she added.

Olavarria agreed that the long hours of discussion among the three proved pivotal, although the more difficult task involved getting lawmakers on board.

"The three of us would sit down together after talking to immigrant groups and agree on something," she recalled. Then the real work started, meeting with key Congressional staffers and lawmakers to ensure inclusion of important provisions.

GOP Feared Democrat Proposals That Could Benefit Illegal Aliens

Republican Lee Otis had the hardest job, because she had to sell her Republican colleagues, Olavarria said. The Republicans were cautious about Democratic proposals that the GOP feared could open the door for many immigrants without permanent visas to remain in this country.

Otis's challenge involved explaining the reasons that specific provisions were needed and educating other staffers about the complicated issues and why changes were needed.

"Once people understood the problems, no one thought it was OK that the situation stayed the same," she said. Once staffers and senators were brought up to speed, Otis said that there was general agreement that something had to be done.

And, as with any legislation, the new law is not without its compromises and disappointments.

One version of the bill sought to restore broad discretion to the courts, so that a judge could make a deportation decision based on the specifics of the case, rather than one-size-fits-all rule. On the conservative end of the spectrum, there was concern that such a provision would be exploited by many people, allowing undesirable persons to remain.

"The Democrats wanted as broad a waiver as possible, so that women convicted of

domestic violence rising out of a dispute could apply for a waiver for herself and her children. We had to compromise," Olavarria said.

Nevertheless, advocacy groups and Republican and Democratic supporters are generally satisfied with the comprehensive final bill.

As the partisan rhetoric over the national election echoes in Washington, this type of across-the-aisle cooperation demonstrated by Lee Otis and Esther Olavarria will become even more imperative. Both women are optimistic that such partnerships will continue to happen, but say that mutual trust and respect must be there if positive results are to be achieved.

Both Olavarria and Otis believe partnership worked because of their mutual respect and trust.

"If you do not have trust, you are not going to have bi-partisanship," said Otis, who is leaving next year. Democrat Olavarria will probably forge a new relationship with a new Republican staff attorney.

Ann Moline is a free-lance writer based in Washington, D.C., and specializing in business and economic issues, as well as areas of concern to women. Her work has been published in Health, Moment, Washington Woman, Washington Business Journal, among others.

For more information, visit:

Thomas: U.S. Congress on the Internet:

<http://thomas.loc.gov/>

(To find the full text of the bill, use the search term "H.R.3244.ENR")

National Coalition Against Domestic Violence:

<http://www.ncadv.org/>

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