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The Intersections of Race and Immigration

XAVIER L. GUADALUPE-DIAZ AND CAROLYN M. WEST

In February 2017, Ms. González was living at a local intimate partner violence (IPV) victim shelter in southern Texas after fleeing from an abusive relationship that had been physically violent and threatening to her safety.[1] As a transgender undocumented immigrant, González sought the necessary legal protections that she was lawfully entitled to by filing for court-enforced protection.[2] During the court hearing, González requested and was granted a protective order against her alleged abuser. While still at the courthouse, Immigration Customs Enforcement (ICE) officers detained her after responding to a tip that she would be there seeking protection from IPV. She was transported to a holding facility after her arrest, potentially in violation of the Violence Against Women Act (VAWA), which since 2005 has protected undocumented survivors' information from being used by ICE to detain immigrants. Disturbingly, González's attorney had reason to believe that her abuser was the one who tipped off ICE officers.[3]

As exemplified by González's case, for transgender immigrants and transgender people of color (T-POC), common help-seeking resources for survivors of IPV, such as the police and the courts, can become potential sites for institutional abuse. In turn, fears of being discriminated against by victim service resources can become points of leverage by which abusers can exert control over survivors or—as when abusers tip off immigration law enforcement—exact revenge. Thus, while transgender intimate partner violence (T-IPV) is often presented by scholars and providers as a one-size-fits-all phenomenon—whereby all transgender survivors experience the same IPV tactics and barriers to escape—in reality, transgender survivors who are people of color, immigrants, and/or undocumented face a variety of unique IPV tactics and barriers to escape.

Notably, transgender immigrants and T-POC face a myriad of types of violence that contextualize the lived realities of IPV survivors. While transgender people experience higher rates of interpersonal violence when compared to their cisgender counterparts, T-POC report higher levels of interpersonal, institutional, and structural violence when compared to their white transgender counterparts.[4] Interpersonal violence refers to violence between individuals, and is subdivided into *family and intimate partner violence* and *community violence*. The former category includes child maltreatment, intimate partner violence, and elder abuse, while the latter is broken down into *acquaintance* and *stranger* violence that includes youth violence, assault by strangers, violence related to property crimes, and violence in workplaces and other institutions.[5] Within transgender communities, Black transgender women in particular are disproportionately affected by homicide.[6] Beyond high rates of interpersonal violence, T-POC report high frequencies of both structural and institutional violence when compared to their white transgender counterparts.[7] Institutional violence is committed within social organizations (e.g., violence committed by the police, the military, and the state); these forms of violence occur within or are perpetrated by actors within formal institutions.[8] Structural violence refers to violence that is built into the structure of society, reflecting societal power relationships, and is manifest most obviously in differences in life chances.[9] As this chapter examines, these non-IPV forms of interpersonal, structural, and institutional violence shape the experiences of T-IPV, by exacerbating the negative consequences of IPV and reducing the likelihood that transgender survivors will seek help from institutions in which they fear bias or additional violence.

The current chapter begins with an overview of the social construction of race and how intersectionality complicates how T-IPV is experienced. The proceeding section then highlights the prevalence and dynamics of abuse among transgender immigrants and T-POC, as well as how non-IPV violence (i.e., interpersonal, institutional, and structural violence) shapes these individuals' experiences of T-IPV. Finally, the chapter summarizes key barriers to help seeking that are distinct to transgender immigrant and T-POC survivors of IPV.

Social Construction and Racialization

To better understand T-IPV among racial minority and immigrant communities, it is important to first recognize the ways in which identities are socially constructed and racialized. As in many nations, the social and cultural backdrop in the United States has been characterized by centuries of systemic oppression against racial and ethnic minority groups, including Native Americans, Black and African American communities, Latinx communities, and Asian and Pacific Islander communities.[10] Given this history, this chapter treats the concept of race as a socially constructed category rooted in structured power and inequality. This means that race is understood as a categorization system in which meaning is attached to difference. Within that construction, race is utilized in the organization of society and functions to maintain power differentials between groups.[11]

Furthermore, this chapter examines immigration from a critical perspective that centers *racialization*, the process by which racial characteristics are ascribed to a group, as an aspect of how migration status and identity are constructed.[12] For example, while many immigrants identify as white (e.g., European, Scandinavian, etc.), the concept of "immigrant" is one that is highly racialized in American politics and society.[13] Racialization of immigrants is evident in the ways politicians and policies target particular groups by ascribing unfavorable characteristics to them. Recent examples of this include the maligning of asylum seekers from Latin America as potential "rapists" and "criminals" by political leaders.[14] Similarly, calls from then–presidential candidate Donald Trump to "shut down" Muslim refugees from entering the country by stoking fears of terrorism seek to erroneously ascribe violence as an innate characteristic of Muslims.[15]

Examining transgender identity in isolation fails to capture all of the ways in which race contextualizes transgender lives. Even the term *transgender* reflects a Western orientation toward gender that seeks to create a stable category of those who diverge from the only two culturally and systematically recognized genders. While other cultures recognize a third or multiple genders (both historically and currently), Western scholarship first focused on transgender people to explore the constructs

of gender, the social self, the body, and society.[16] Subsequently, as gender and sexuality scholar Johanna Schmidt notes, "writing about trans peoples has shifted to focus less on the concept of transgender itself as a 'unit of analysis,' and more on the issues experienced by trans populations."[17]

Scholars have argued that transgender identity in and of itself should be further examined as a racialized process. In pushing toward a deeper understanding of Black and transgender identity, gender scholar C. Riley Snorton argued that "trans is more about a movement with no clear origin and no point of arrival, and 'blackness' signifies upon an enveloping environment and condition of possibility. Here, trans—in each of its permutations—finds expression and continuous circulation with blackness, and blackness is transected by embodied procedures that fall under the sign of gender."[18] That is to say that throughout history the construction of both race and gender have been falsely presented as immutable and largely independent characteristics—while, in fact, they have intersected through time to create distinct realities that are constantly in flux. Overall, transgender identity must be fully understood within a critical race paradigm to adequately frame issues relevant to violence of all kinds (interpersonal, institutional, and structural). Despite the increasing media representations of celebrity transgender women of color, such as author Janet Mock and actress Laverne Cox, transgender people more broadly face higher rates of violence when compared to their cisgender counterparts, and T-POC are subjected to many more different forms of violence.[19]

Throughout much of the literature on IPV, binary gender—namely, the identities and experiences of cisgender men and women—remains a focal point of analysis, often to the exclusion of equally relevant and intersecting identities. Conversely, *intersectionality theory* has been utilized in some IPV scholarship to illuminate the distinct realities of relationship abuse at the intersections of race, class, gender, sexuality, and other social identities. Intersectionality "provides a means of understanding the experiences of individuals within a context of hierarchal power relations," accounting for how interlocking systems of oppression complicate how identities are understood within social structures.[20] By challenging the choice of IPV scholars to center their focus on binary gender above all other intersecting identities (e.g., race, migration status, etc.), transgender people of color and immigrants have complicated

the ways in which violence is experienced by accounting for the contexts of race, ethnicity, immigration, class, sexual orientation, and more. Especially relevant are the intersecting qualities of transphobia, cisnormativity, racism, and xenophobia. Racialized violence and economic vulnerability make T-POC and transgender immigrants distinctly susceptible to multiple forms of interpersonal abuses, including but not limited to IPV. While the demographic identities of abusers relative to survivors may make it possible for abusers to engage in a particular type of identity abuse, this is not always the outcome.

IPV Victimization Prevalence among Transgender Immigrants and T-POC

While obtaining generalizable data on transgender populations remains a challenge, the United States Transgender Survey (USTS) showed that transgender people of color—particularly American Indian, Middle Eastern, and multiracial individuals—and transgender people who were undocumented immigrants reported higher lifetime rates of physical and sexual IPV victimization (such as pushing or shoving, slapping, hitting, or forced sexual activity) as compared to other transgender individuals.[21] They also reported higher lifetime rates of intimate partner coercive control, including experiencing intimidation, emotional harm, and financial harm, having their abuser physically harm others who were important to the respondents, and experiencing controlling tactics related to their transgender status (e.g., being told that they were not a "real" woman or man, being threatened with having their transgender status revealed or outed, and being prevented from taking hormones).[22] (See table 6.1.) Below, IPV victimization prevalence rates are detailed more fully among transgender people of color and transgender immigrants.

African Americans / Black Americans

A study of transgender women with a history of sex work found that, among African Americans ($n = 235$), 43.5 percent had experienced physical IPV in their lifetimes, and 16.4 percent had experienced sexual IPV as an adult.[23] Similarly, data from a cross-sectional survey of transgender

TABLE 6.1. Interpersonal Violence Victimization Rates among US Transgender Population

		Victimization Rates, by Race/Ethnicity			
Violence Type	Tactic	Black	Latinx	AIAN[1]	ANHPI[2]
Intimate Partner Violence (IPV)	Identity IPV[3] (lifetime)	29%	27%	48%	21%
	Physical or sexual IPV (lifetime)	44%	43%	61%	30%
	Any IPV[4] (lifetime)	56%	54%	73%	43%
Sexual Assault	Sexual assault (lifetime)	53%	48%	65%	41%
	Sexual assault (past year)	13%	13%	17%	11%
	Sexual assault among underground economy workers[5] (past year)	33%	28%	46%	34%
Violence in Family of Origin	Violence by immediate family member (lifetime)	12%	12%	20%	15%
	Experienced family rejection (lifetime)	47%	49%	60%	46%

Notes

[1]AIAN = American Indian and Alaska Native.

[2]ANHPI = Asian, Native Hawaiian, and Pacific Islander.

[3]Identity IPV refers to denigrating, denying, or manipulating aspects of the survivor's identity.

[4]Any IPV encompasses identity, psychological, physical, and/or sexual IPV.

[5]Underground economy refers to sex work, drug sales, and other criminalized activities.

USTS 2015 Survey (n = 27,715)

Sources: James, Brown, and Wilson 2017; James, Jackson, and Jim 2017; James and Magpantay 2017; James and Salcedo 2017.

and gender nonconforming youth from fourteen different cities in the US revealed that, among non-Latinx Black youth (n = 60), 45 percent reported that they had been slapped, punched, kicked, beaten up, or otherwise physically or sexually hurt by an intimate partner.[24] The USTS included the largest available sample of Black transgender individuals to date (n = 796). Overall, 56 percent of African American respondents had experienced some form of IPV, and 44 percent had experienced physical or sexual IPV in particular.[25] Of note, transgender Black men (62 percent) reported slightly higher rates of IPV victimization than transgender Black women (58 percent) and nonbinary Black people (49 percent).[26]

Latinx People

In a sample of transgender women with a history of sex work, among Latinx individuals (n = 110), 36.4 percent had experienced physical

IPV in their lifetimes, and 8 percent had experienced sexual IPV as an adult.[27] The USTS included the largest sample of Latinx transgender individuals to date (n = 1,473). Overall, 54 percent of Latinx respondents had experienced some type of IPV during their lifetime, and 43 percent had experienced physical or sexual IPV in particular. As with Black and African American respondents, Latinx transgender men reported the highest rates of IPV, followed by Latinx transgender women and nonbinary Latinx people (58 percent, 54 percent, and 51 percent, respectively).[28] Gender-specific IPV rates from the USTS have not yet been published for other racial and ethnic minority groups, or for immigrants.

American Indians and Alaska Natives

In the USTS, American Indian and Alaska Native respondents (n = 319) reported the highest rates of intimate partner abuse. Nearly three-quarters (73 percent) had experienced some form of IPV, and nearly two-thirds (61 percent) had specifically experienced physical or sexual IPV.[29]

Asian Americans, Native Hawaiians, and Pacific Islanders

In a sample of transgender women with a history of sex work, among the Asian/Pacific Islander subsample (n = 110), 30.8 percent had experienced physical IPV in their lifetimes, and 16.7 percent had experienced sexual IPV as an adult.[30] The USTS included the largest sample to date of transgender individuals who identified as Asian (including Asian Americans, South Asians, and Southeast Asians) or as Native Hawaiian/Pacific Islander (n = 783). Overall, 43 percent of Asians and 50 percent of Native Hawaiians/Pacific Islanders had experienced some form of IPV in their lifetime, and 29 percent of Asians and 44 percent of Native Hawaiians/Pacific Islanders specifically had experienced physical or sexual IPV.[31]

Undocumented Immigrants

An analysis of the USTS found that, among undocumented immigrant transgender respondents (n = 46), 68 percent reported experiencing some form of IPV in their lifetimes, with 59 percent specifically reporting physical or sexual IPV.[32]

Polyvictimization and IPV among Transgender People of Color and Immigrants

Evidence shows that T-POC experience higher rates of non-IPV violence when compared to both white transgender and white cisgender populations.[33] For instance, annual reports from the National Coalition of Anti-Violence Programs (NCAVP) regularly report that the majority of transgender homicide victims are people of color, recently referring to this finding as "continuing an alarming multiyear trend."[34] Some estimates report that 91 percent of the murders of transgender and gender nonconforming people between 1995 and 2005 were people of color, primarily transfeminine victims.[35] Recent findings using ICE data also revealed that lesbian, gay, bisexual, and transgender (LGBT) immigrant detainees were ninety-seven times more likely to be sexually assaulted than non-LGBT detainees. More specifically, while LGBT people only accounted for 0.1 percent of the sample, they represented 12 percent of sexual assault victims.[36]

As these examples and this section highlight, engrained legacies of *polyvictimization*—exposure to multiple forms of violence and discrimination, be it interpersonal, structural, or institutional—create distinct realities for T-POC survivors of IPV, individuals who are distinctly vulnerable to discrimination-infused violence, on the basis of not only gender identity but also race, ethnicity, nation of origin, and migrant status. Transgender people's gender identities, like any gender identity, are racialized and contextualized by structures of inequality that exacerbate many of the problems IPV survivors face. In this section, we review the often-overlapping forms of violence and discrimination that T-POC and transgender immigrants are routinely subjected to, and then we proceed to illustrate ways in which this polyvictimization can shape the experiences of transgender survivors.

Transgender Polyvictimization and Race

As illustrated by tables 6.2 and 6.3, T-POC experience alarming rates of institutional violence (i.e., verbal, physical, and sexual assaults committed by actors in law enforcement, educational systems, prisons, places of employment, and public accommodations) and structural violence

TABLE 6.2. Institutional Violence Victimization Rates among US Transgender Population

Violence Type	Tactic	Victimization Rates, by Race/Ethnicity			
		Black	Latinx	AIAN[1]	ANHPI[2]
Police/Law Enforcement	Verbally harassed by police[3,4] (past year)	22%	29%	29%	17%
	Physically attacked by police[3,4] (past year)	12%	5%	9%	4%
	Sexually assaulted by police[3,4] (past year)	6%	5%	5%	7%
Education System	Verbally harassed in school because of gender identity[3] (K–12)	51%	52%	69%	53%
	Physically attacked in school because of gender identity[3] (K–12)	28%	24%	49%	17%
	Sexually assaulted in school because of gender identity[3] (K–12)	19%	16%	22%	13%
Prison	Physically assaulted by prison/jail staff or inmates[4] (past year)	40%	18%	*[5]	*[5]
	Sexually assaulted by prison/jail staff or inmates[4] (past year)	29%	27%	*[5]	*[5]
Employment	Verbally harassed at work because transgender[4] (past year)	14%	14%	27%	12%
	Sexually assaulted at work because transgender[4] (past year)	2%	2%	2%	3%
Public Accommodations	Verbally harassed in public accommodations because transgender[3,4] (past year)	28%	23%	36%	27%
	Physically attacked in public accommodations because transgender[3,4] (past year)	2%	1%	2%	3%

Notes

[1]AIAN = American Indian and Alaska Native.

[2]ANHPI = Asian, Native Hawaiian, and Pacific Islander.

[3]Of those publicly perceived as transgender.

[4]Subsamples limited to those with interactions in the assessed environment (e.g., of those interacting with police, of those who were incarcerated, of those who were employed, of those who visited public accommodations) during the assessed time frame.

[5]No data.

USTS 2015 Survey (n = 27,715)

Source: James, Brown, and Wilson 2017; James, Jackson, and Jim 2017; James and Magpantay 2017; James and Salcedo 2017.

TABLE 6.3. Structural Violence Victimization Rates among US Transgender Population

Violence Type	Tactic	Victimization Rates, by Race/Ethnicity			
		Black	Latinx	AIAN[1]	ANHPI[2]
Economic Marginalization	Living at or near poverty line (currently)	38%	43%	41%	32%
	Unemployed (currently)	20%	21%	23%	10%
	Experienced homelessness (lifetime)	42%	31%	57%	21%
	Experienced homelessness because transgender (past year)	22%	14%	21%	11%
Underground Economy Work	Worked in underground economy[3] (lifetime)	28%	22%	35%	41%
	Engaged in sex work (lifetime)	27%	20%	31%	17%

Notes

[1]AIAN = American Indian and Alaska Native.

[2]ANHPI = Asian, Native Hawaiian, and Pacific Islander.

[3]Underground economy refers to sex work, drug sales, and other criminalized activities.

USTS 2015 Survey (n = 27,715)

Source: James, Brown, and Wilson 2017; James, Jackson, and Jim 2017; James and Magpantay 2017; James and Salcedo 2017.

(i.e., harms caused by societal inequities, such as the physical and mental health consequences of economic marginalization and participation in underground economy work). Taken together with the aforementioned high rates of interpersonal violence (see table 6.1), T-POC frequently face intersecting injustices in their lives—which, in turn, foster increasing susceptibilities to IPV.

Systemically, T-POC are more likely to experience economic marginalization and residential segregation than their white counterparts.[37] Partly as a result of racist structural inequality, family rejection, community isolation, and discrimination, T-POC face higher rates of poverty and unemployment than white transgender people.[38] As one example, the National Center for Transgender Equality found that "African American and American Indian transgender people reported some of the worst outcomes regarding discrimination in obtaining a job, violence both in the streets and by law enforcement, accessing health care, and homelessness."[39] T-POC contend with compounding sources of discrimination at the intersections of racism and transphobia that may affect their access to stable employment and earnings potential.[40] For

example, in a sample of transgender people living in Washington, DC, researchers found that 57 percent of transgender women of color respondents made below $10,000 a year.[41] This type of severe economic vulnerability heightens other risks such as rates of HIV/AIDS, homelessness, and engagement in high-risk employment such as sex work, which disproportionately affect T-POC and are found to increase IPV victimization risk.[42]

More specifically, researchers have found that transgender women of color are at particular risk for HIV and complications while also reporting serious barriers to health care.[43] Barriers to health care are exacerbated for T-POC, who contend with racist discrimination in health-care provision in addition to fewer resources and insurance coverage.[44] These health risks are especially concerning for T-POC, as research has found a correlation in transgender people between rates of HIV and rates of sexual coercion by intimate partners.[45]

Activists and scholars alike have also focused much attention to the aforementioned high rates of homicide of T-POC—in particular, the high homicide rates of transgender women of color.[46] Drawing on NCAVP transgender homicide data, research has found that transfeminine Black and Latina individuals are at significantly higher risk for homicide than cisfeminine counterparts.[47] In a report published by the Human Rights Campaign and the Trans People of Color Coalition, of the 102 transgender murders between 2013 and 2017, 86 percent of the victims were Black, Hispanic, or Native American.[48]

Transgender Polyvictimization and Immigration

Experiences of transgender immigrant IPV survivors, like that of Ms. González, must be understood in the broader political and social context of xenophobia. While González was likely not the first undocumented survivor of IPV detained by ICE, her story briefly broke on the national stage during a time of heightened xenophobia and a subsequent "crackdown" on immigration. At the time, just one month into a presidency that had been launched using racist vitriol maligning Mexican immigrants as "rapists" and "drug dealers," more attention was focused on the increasing overreach of immigration law enforcement.[49] For instance, recently ICE has been accused of altering evidence to

pursue the arrest and detention of undocumented migrants who had not been charged with crimes.[50] In November 2018, the American Civil Liberties Union declared then–Attorney General Jeff Sessions to be the "worst attorney general in U.S. history," citing his extensive record of draconian policies on immigration, some of which they argued were unconstitutional.[51] Indeed, the intense racialization and criminalization of immigrants and of people of color have a long-standing history in the United States.[52] Despite a record-breaking number of deportations that took place under the Obama administration, presidential candidate Trump played to deeply entrenched fears of immigrants, particularly non-white groups, a strategy that has been politically successful throughout US history.[53]

Today, the US is facing a number of human rights violations at its border with Mexico, including escalating cruel immigration treatment such as the unnecessary separation of migrant children from their families, and earning widespread condemnation from the global community on these issues.[54] Beyond the US context, immigrants and refugees face heightened xenophobia globally. In 2016, the Pew Research Center found that Europeans report fears of crime and terrorism as increased numbers of refugees find asylum within European nations.[55] These fears persist despite the fact that comprehensive reviews of the research literature find that higher immigration rates—and higher rates of undocumented immigration—are generally associated with crime rate *decreases*.[56] In Germany, for example, a majority of citizens report fears of immigrant crime waves, yet overall official crime rates are actually at their lowest since 1992.[57] The global rise in nationalist movements can be partially attributed to this growth in migrant xenophobia.

For transgender people seeking to migrate to the US, this hostile climate has placed them at increased risk of institutional violence that can exacerbate existing problems they may be facing (e.g., fleeing from IPV, fear of violence in their native country, etc.). For example, Roxsana Hernandez, a thirty-three-year-old transgender woman, fled her native home of Honduras fearing she would be murdered after several experiences with transphobic violence. Then, when applying for asylum at the US border, she tragically died in ICE custody in what the Transgender Law Center stated was a preventable death.[58] An independent autopsy

revealed that Ms. Hernandez had suffered physical abuse while in detention—a finding that echoes claims that transgender migrants in general are at heightened risk for abuse in detention center settings.[59]

For those migrants who are seeking asylum, histories of violence often follow them from their nation of origin to their new destinations. Increasingly restrictive asylum policies—such as those in the US[60]—are particularly worrisome as transgender migrants report frequent aggression, violence, harassment, and death threats from all sectors of society in their nations of origin.[61] Scholars find that transgender immigrants from Latin America are motivated to migrate in part for protection to freely express their gender in a transgender-inclusive society in the US, where they can seek greater economic opportunity.[62] Policy researchers note that, while some public policy is transgender-affirming in Latin American nations like Uruguay, Chile, and Argentina, none of them uniformly provide avenues for gender identity document changes, have laws that prohibit discrimination against transgender people, or provide ready access to gender-affirming surgeries.[63] For many T-POC immigrants already living in the US, daily life is characterized by grappling with residential segregation, higher rates of poverty, lowered economic mobility, violence, and homicide.[64]

Connecting Polyvictimization and T-IPV among People of Color and Immigrants

As reviewed above, T-POC and transgender immigrants face many forms of violence and discrimination—polyvictimization that in turn may exacerbate or foster higher rates of IPV, as well as narrow avenues of escape. Intersectional perspectives in IPV scholarship have helped to capture more of these realities by accounting for multiple identities within structures of inequality.[65] Thus, IPV among T-POC and transgender immigrants must be understood within this broader context of intersecting identities and forms of inequality.

In many instances, discrimination and marginalization drive risk of certain types of violence occurring not only at the hands of strangers and acquaintances but also by intimate partners. For instance, many perpetrators of transgender homicides are current or former intimate

partners of their victims,[66] and research has found links between intimate partner homicide and economic marginalization (i.e., low socioeconomic status), inequality, and residential segregation.[67] Given that T-POC are disproportionately affected by these aforementioned factors related to intimate partner homicide, this may explain their unique risk to homicide overall. Structural violence like economic marginalization and residential segregation foster higher homicide rates in disadvantaged communities.[68] Perpetrators of transgender homicides are overwhelmingly cisgender men, many of whom live in the same general area as their victims.[69] Some cisgender men living alongside T-POC in structurally disadvantaged communities may turn to violent affirmations of masculinity to gain a sense of control in otherwise precarious conditions.[70]

More broadly, because T-POC and transgender immigrants contend with interlocking problems of racism, xenophobia, and heightened economic vulnerability when compared to their white and native-born counterparts,[71] this in turn may increase their dependence on abusers. This is in part because those who experience poverty and unemployment may be more reliant on intimate partners for financial support, health care, and housing, thereby emboldening abusers to initiate and escalate IPV. It is likely also the case that coping with the negative sequelae of IPV victimization (e.g., mental health issues, substance use, suicidality, etc.) is exacerbated by having to simultaneously cope with the fallout of prior polyvictimization.

Moreover, abusers may feel safer in engaging in IPV if they perceive their partners to be less likely to try to escape. Of course, transgender immigrants and T-POC who experience polyvictimization may already have sought help for other forms of non-IPV violence. If their efforts to seek help are met with discrimination and roadblocks, however, it is likely that this will suppress their efforts to reach out again for assistance should they subsequently experience IPV. Unfortunately, barriers to help are extensive for T-POC and transgender immigrants specifically because of the interlocking systems of oppression they too often face. Such challenges that T-POC and transgender immigrants face in seeking help with IPV victimization are explored in greater depth in the next section.

Help Seeking at the Intersections of Transgender Identity, Race, and Immigration

It is evident that experiences of IPV help seeking among both transgender immigrants and native-born transgender people of color are similarly complicated by racism and xenophobia. The formal help-seeking avenues and processes for survivors of IPV who are transgender, POC, and/or immigrants are characterized by several key barriers and challenges from the legal realm through the shelter services response. A recent review of the help-seeking barriers for lesbian, gay, bisexual, transgender, and queer (LGBTQ) survivors of IPV found three major themes: "a limited understanding of the problem of LGBTQ IPV, stigma, and systemic inequities."[72] While these barriers are evident for all LGBTQ survivors, T-POC and transgender immigrants face enhanced stigma and the compounding inequalities of transphobia, xenophobia, and racism. Similarly, transgender immigrants and T-POC may encounter elevated levels of discrimination in IPV victim services and shelters. Despite recent developments with the inclusion of transgender survivors in the 2013 reauthorization of VAWA, researchers, survivors, and advocates continue to find disparities in formal help responses. In the proceeding sections, we review potential problems transgender immigrants and T-POC face in accessing the criminal legal system and police, as well as problems faced in accessing victim services from shelters.

Criminal Legal System

Survivors looking for help from the criminal legal system typically seek immediate safety, forced separation, and/or protective orders, among other options. Help-seeking processes are complicated by both situational and structural factors across all social locations. Situationally, research on cisgender IPV shows that factors such as weapon presence and child witnesses may make survivors more likely to call the police.[73] Other situational factors, such as fear of retaliation and substance use on the part of the survivor, may reduce a survivor's likelihood of involving police.[74]

Fears of transphobia by police may further reduce the likelihood of transgender IPV survivors contacting the police. Consider that, in their

sample of over 1,110 LGBTQ respondents, researchers Lisa Langenderfer-Magruder, Darren Whitfield, and Eugene Walls found that transgender people were significantly less likely to report IPV victimization to the police when compared with cisgender lesbian, gay, bisexual, and queer individuals.[75] For the LGBTQ community more broadly, fear of homophobic and cisnormative assumptions by police about victimization may prevent survivors from involving law enforcement voluntarily.[76] For transgender immigrants and T-POC survivors of IPV, histories of transphobic and racist policing permeate perceptions of and experiences with law enforcement. For instance, in one study, Laura, a Black transgender woman survivor of IPV,

> was asked why she felt calling the police was not an option when she was severely beaten. She replied, "I mean I was in mid transition . . . I am still a man on record and my ID and stuff and I'm black. I'm black in [southern state]. It's like first they're going to see I'm this black dude that got beat up by a white man, think that we're gay, then see that I'm trans and that I'm in mid transition and it would be a disaster having to explain all of that and you know the police have a certain way of looking at trans people."[77]

Studies utilizing cisgender samples consistently find that Black and Latinx populations report far more negative perceptions and experiences with law enforcement, which may influence lower crime reporting rates overall.[78]

Studies with cisgender samples find mixed evidence to suggest that perceptions of police are also both gendered and racialized. Importantly, scholars have found that Black cisgender women may be more likely to report IPV victimization to the police than their white counterparts.[79] However, of non-white cisgender women who report IPV to the police, their subsequent evaluations of police responses tend to be more negative, commonly reporting discrimination, racialization, and bias by law enforcement.[80] For those in same-gender relationships, gender-stereotyping and heterosexist biases among law enforcement result in fear of reporting as well as negative experiences.[81]

These studies illustrate that fear of discrimination by police is common among many different minority groups, not just transgender

communities. For example, among lesbian, gay, and bisexual survivors of IPV, people of color, cisgender men, and those who have had previous police interventions in IPV cases report higher levels of discomfort in disclosing victimization to the police.[82] For transgender individuals who live at the intersections of multiple stigmatized identities—such as transgender people who are also lesbian, gay, bisexual, queer, and/or POC—fears of contacting the police may be further heightened.

Rigidly gendered perceptions of IPV present another potential problem for transgender immigrant and POC survivors of IPV. Cisnormative ideas of IPV may lead law enforcement to perceive more "masculine" partners as the abuser and more "feminine" partners as the victim.[83] These cisnormative factors intersect with race in a way that may make T-POC more suspicious or less credible to law enforcement. For example, in Laura's earlier quote, she contemplated how police would react to seeing "this black dude that got beat up by a white man," potentially fearing that she may not be treated as a victim.[84] As researcher Kylan Mattias de Vries stated in a study focused on T-POC, "Within the criminal justice system, certain social positions are more stigmatized than others. Individuals within the system rely on these institutional stereotypes to inform their interactions with those who occupy, or are attributed, that social position."[85]

In more policy-based analyses on cisgender IPV, researchers have found that pro-arrest policies influence the rates of arrest when comparing female same-gender couples, male same-gender couples, and male/female different-gender couples. Mandatory arrest policies increased the likelihood of arrest for cisgender female same-gender calls, while these policies had only a minor effect on arrests for cisgender male same-gender calls.[86] The study partially illustrated how mandatory arrest policies affect gendered disparities in arrest by noting a significant change in arresting behavior. Notably, transgender survivors of IPV may be particularly vulnerable to misgendering and revictimization by law enforcement. (See chapter 9 for more on police and T-IPV.) For T-POC, hostile police encounters may be even more common, considering the criminalization of transgender and POC populations.[87] Stereotypes of transgender people as criminal sex workers and drug users permeate police interactions with transgender communities.[88] More specifically, both transgender immigrants and T-POC are characteristically

maligned with assumptions of criminality by a criminal legal system that often negates their potential victimizations. Pooja Gehi, an attorney and legal scholar who works with transgender migrant populations, stated that "for low-income transgender people of color . . . the consequences of this system are dire."[89] T-POC are distinctly susceptible to police misconduct, as their transgender status is further compounded by racial and economic inequalities.[90] Black and Latinx transgender women may be more likely than their white counterparts to live and work in heavily policed neighborhoods where they have come to expect both racist and transphobic interactions with law enforcement.[91]

For transgender immigrants, the criminal legal system presents additional challenges as an avenue of help and support. Beyond language and cultural competency issues, transgender immigrant survivors of IPV may feel like they are putting themselves at risk by seeking formal help from the criminal legal system. Disclosing criminal victimization requires formal investigations and participation from a complainant that may draw the attention of officials interested in policing migrant statuses. As previously mentioned, while VAWA offers some protections for immigrants seeking help from IPV from further scrutiny by immigration law enforcement, there have been documented cases in which these protections may have been violated. Transgender immigrants may have a more difficult time obtaining proper identity documentation that is affirming of their gender identity from their home countries and new host nations, which may make them feel that they are not properly able to seek legal recourse against abusers.[92]

Given the broader hostility against immigrants in the US and around the world, abusers of transgender migrants may exploit vulnerabilities and fear of persecution. Researchers Michael Runner, Mieko Yoshihama, and Steve Novick noted that abusers of both undocumented and documented immigrants often use the threat of deportation to silence survivors. As an effective control tactic, abusers can withhold legal information about their residency status and rights to prevent survivors from leaving.[93] Transgender immigrants fleeing severe violence in their countries of origin may be even more fearful of breaking up with abusers who are providing a variety of support in other ways.

Beyond fears of retaliation from the immigration system, transgender immigrant survivors of IPV may also feel heightened social isolation

from the broader society. Perceptions of widespread anti-immigrant sentiment can be manipulated by abusers to cut survivors off from avenues of support. Psychologist Janice Ristock noted that, even in cases in which both partners are LGBTQ immigrants, "perpetrators can use this context to further threaten and control their partner while victims may feel that they must not betray their partners, or bring shame to their families, and therefore endure the abuse."[94] Increasing this isolation are the aforementioned restrictive asylum policies emerging in many parts of the world. For instance, in 2018, then–Attorney General Jeff Sessions signaled an end to protections for IPV survivors seeking asylum in the US, stating that "the asylum statute does not provide redress for all misfortune."[95]

Fear of scrutiny from the criminal legal system is further heightened by the well-known hostilities that transgender immigrants face in detention centers and prisons. A study found that one in eight transgender immigrant detainees were placed in solitary confinement, a much higher rate than their cisgender counterparts.[96] Transgender immigrants in detention centers reported higher levels of violence, sexual assault, rape, and harassment.[97] Legal scholar Laurel Anderson noted that, for immigrant transgender women detained in civil custody, "there is an inherent inconsistency between their legal status and their detention conditions. . . . Despite their identification as women, most transgender detainees are housed with men."[98] It would be unrealistic to expect transgender immigrants to voluntarily access the criminal legal system for protection while human rights violations continue to occur within that very structure. In another study, transgender immigrants and T-POC expressed fears of disclosing to police and echoed previous negative encounters, including an immigrant transgender woman who avoided any legal recourse for fear of "getting in trouble."[99]

Shelter Services

For T-POC and transgender immigrant survivors of IPV, IPV victim shelters may have little to offer in adequate services and safety provision. Historically framed toward the needs of white, native-born, cisgender women,[100] shelter programs have broadened their services to create more inclusive environments for people of color, immigrants,

and LGBTQ individuals by providing services in multiple languages, creating spaces in their communities, and training staff.[101] However, transgender immigrants and T-POC continue to face a number of challenges when attempting to utilize shelter space and services.

In one study on T-IPV and help seeking, Anna, an immigrant transgender woman, reported on her experience trying to seek help from shelter services. She stated:

> [T]hey wanted to help but they made a big fuss about my trans status. I overheard the staff say "the other residents are going to be scared and the children are going to be scared and it's not going to be the environment that we want here" and then told me they didn't have a room for a single person. So they put me in another room that housed four women in 2 bunk beds and I had one bunk . . . I couldn't wait to get out, I mean the women were not violent to me but they were just not welcoming. . . . [T]hey'd stare at me and when we tried to do the first group counseling like, the women just stared at me or just whispered or something. Even the staff was a little off because I knew from the start they weren't even on the same page about having me there.[102]

On the surface, Anna's experience mirrors that of many transgender survivors who seek help from shelter services, in that she was faced with transphobic shelter staff, residents, and housing policies. However, Anna had to simultaneously contend with a host of additional challenges that, though not exclusive to the lives of people of color and immigrants, were likely exacerbated by xenophobia and racism: for instance, she reported being separated from her immigrant community, being discriminated against for employment, experiencing homelessness and coerced sex work, and being reluctant to seek help from law enforcement for fear of attracting legal scrutiny.[103] Such challenges, which T-POC and transgender immigrants are at a heightened risk of, can unfortunately impede their ability to gain access to and remain in IPV victim shelters. This is because some shelters will perceive the aforementioned challenges as red flags that a person is actually simply homeless and falsely presenting as a victim in order to gain free shelter. According to interviews with IPV shelter staff, some IPV shelters assume all "real" survivors actively seek out and obtain housing and employment, maintain a record free from

arrests and criminal convictions, and are willing file a police report so as to seek an order of protection.[104] Failing to conform to these stereotypes of the "legitimate victim"—which may be more difficult for victims who are transgender, people of color, immigrants, or homeless—may result in a survivor being denied admission to or being evicted from an IPV shelter.

Transgender immigrant and T-POC communities are likely to face much higher rates of housing instability than their white and native-born counterparts, which may impact their need for IPV shelter space.[105] The compounding effects of racial residential segregation, transphobic discrimination in housing, and transgender-specific economic vulnerability create a unique need for transgender immigrant and T-POC survivors of IPV.[106] Just as scholars have noted the increased frequency of IPV experienced by Black women, especially those at the economic margins of society,[107] it is important to note the vulnerability of transgender immigrants and T-POC to violence, not only from their intimate partners but also from their families, friends, strangers, and the broader systems that they may interact with.

Studies find that T-POC report especially hostile environments at shelters, stemming from issues ranging from physical space to interpersonal biases from staff and guests.[108] Scholars have noted that racialized assumptions about violence in the lives of people of color influence the response that IPV survivors receive from shelter staff.[109] In the seminal work *Battle Cries: Intimate Partner Violence in the Lives of Black Women*, scholar Hillary Potter concludes that "it is critical that shelter personnel consider how battered Black women are stigmatized in society and how workers in the shelters may themselves accept these stereotypes."[110] Extending this point, shelter services and personnel should be acutely aware of how T-POC are also distinctly stigmatized not only in broader society but also in their own communities.

Shelter services should also consider the significance of transgender physical and mental health issues while acknowledging how these issues are further complicated by race.[111] Isolation may encourage some transgender survivors to stay in abusive relationships but, for T-POC, feelings of isolation may be intensified by widespread rejection in their communities.[112] The high rates of serious violence and homicide experienced by T-POC in their communities may further exacerbate feelings

of isolation regardless of IPV victimization status.[113] Hostile living environments and rejection from family or friends may exacerbate the housing insecurities that characterize the lives of transgender immigrants and T-POC.

Conclusions

Overall, T-IPV must be examined within the broader context of race and immigration status. Racism and xenophobia characterize the multitude of risk factors that heighten susceptibility to multiple forms of violence among transgender people who are immigrants and/or people of color. The severe marginalization of both transgender immigrants and T-POC likely fuel higher rates of T-IPV and homicide. Contending with higher rates of housing instability, economic vulnerability, and health issues (e.g., higher rates of HIV/AIDS) worsen IPV situations and the help-seeking process.

Given the complicated history between communities of color and the criminal legal system, alternatives to safety and accountability should be considered. For example, while seeking legal protections such as police intervention or protective orders may be useful for some transgender survivors, transgender immigrants and T-POC may be less likely to pursue or benefit from these options. Some ideas for alternative interventions have been broadly considered under restorative justice frameworks. These include mediations and community conferencing that may or may not involve the criminal legal system. One goal of these alternatives could be to center a survivor's needs while simultaneously encouraging the offender to fully understand and communicate their violation to both the survivor and the entire community. In one example, scholar and activist Mimi Kim has proposed creative solutions to address violence that merge social justice with an anti-violence focus.[114] She cites a call from INCITE! that states: "It is critical that we develop responses to gender violence that do not depend on a sexist, racist, classist, and homophobic criminal justice system."[115] To accomplish this, Kim developed the organization Creative Interventions in Oakland, California, which centers the stories of violence that inform community-based responses to intimate partner and sexual violence. One overarching strategy is that those who are most impacted by violence (e.g., the community at large)

have the strongest motivation and solutions for enforcing accountability, healing, and violence prevention. These practices may involve restorative practices that reflect the desires of both survivor and community for what accountability looks like.

IPV victim shelters and services need to be more physically accessible to transgender immigrants and T-POC communities while also extending resources that capture and address the complexities of violence in their lives. Ideally, IPV shelters that work with diverse populations should have accessible materials and resources in the languages of those they seek to serve. Many transgender immigrant survivors of IPV may also need legal assistance with navigating a wide range of citizenship statuses and the potential implications of moving forward with criminal legal recourses.

While shelter services often operate with limited resources and staff, the most comprehensive services would incorporate assistance with permanent housing, employment, and health-care access. Given the compounding inequalities that transgender immigrants and T-POC face, shelter services should be aware of the distinct prevalence of IPV within these populations and extend available space to accommodate their needs. Transgender immigrant and T-POC survivors of IPV may not only be fearing violence from former partners but may also fear greater risk of severe consequences like homelessness, health complications, and homicide.

NOTES

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2 US Citizenship and Immigration Services n.d.
3 Messinger 2017a; Transgender Law Center 2017.
4 James et al. 2016; Stotzer 2009.
5 Krug et al. 2002.
6 Dinno 2017.
7 Bith-Melander et al. 2010; Singh and McKleroy 2011.
8 Fitzgerald 2017.
9 Fitzgerald 2017.
10 Steinberg 2007.
11 Glenn 2000.
12 Murji and Solomos 2005.
13 Sáenz and Douglas 2015.
14 Jacobs 2018.

15 Johnson 2015.
16 Schmidt 2017.
17 Schmidt 2017, 2.
18 Snorton 2017, 2
19 Testa et al. 2012.
20 Josephson 2005, 86.
21 James et al. 2016.
22 James et al. 2016.
23 Nemoto, Bödeker, and Iwamoto 2011.
24 Goldenberg, Jadwin-Cakmak, and Harper 2018.
25 James et al. 2016.
26 James, Brown, and Wilson 2017.
27 Nemoto, Bödeker, and Iwamoto 2011.
28 James and Salcedo 2017.
29 James, Jackson, and Jim 2017.
30 Nemoto, Bödeker, and Iwamoto 2011.
31 James et al. 2016; James and Magpantay 2017.
32 James et al. 2016.
33 Dinno 2017; Waters 2017.
34 Waters 2017, 9.
35 Wilchins and Taylor 2006.
36 Gruberg 2018.
37 Bith-Melander et al. 2010, 207–220.
38 Bith-Melander et al. 2010, 207–220.
39 National Center for Transgender Equality 2005.
40 Xavier et al. 2005.
41 Edelman et al. 2015.
42 Testa, Jimenez, and Rankin 2014.
43 Kenagy and Bostwick 2005.
44 Xavier et al. 2005.
45 Heintz and Melendez 2006.
46 Waters 2017, 9.
47 Dinno 2017.
48 Lee 2017; Pitofsky 2018.
49 American Civil Liberties Union n.d.
50 Stern 2017.
51 American Civil Liberties Union 2018.
52 Wilson 1973.
53 Leonhardt and Philbrick 2018; Lopez, Gonzalez-Barrera, and Motel 2011.
54 UN News 2016, 2018.
55 Wike, Stokes, and Simmons 2016.
56 Light and Miller 2018; Light, Miller, and Kelly 2017; Ousey and Kubrin, 2018.
57 BBC News Reality Check Team 2018.

58 Sopelsa and Fitzsimon 2018.
59 Anderson 2010.
60 Benner and Dickerson 2018.
61 Chávez 2011.
62 Cerezo et al. 2014.
63 Taylor and Haider-Markel 2014.
64 Morales 2013.
65 Potter 2006; Sokoloff and Dupont 2005; West 2004.
66 Waters 2017.
67 Stöckl et al. 2013.
68 Field and Caetano 2004.
69 Kelley and Gruenewald 2015.
70 Rios 2011.
71 Singh and McKleroy 2011.
72 Calton, Cattaneo, and Gebhard 2016, 2.
73 Perez Trujillo and Ross 2008.
74 Durfee 2012.
75 Langenderfer-Magruder et al. 2016.
76 Wolf et al. 2003.
77 Guadalupe-Diaz and Jasinski 2017, 786.
78 Lai and Zhao 2010.
79 Kaukinen 2004; O'Campo et al. 2002; Pearlman et al. 2003.
80 Liang et al. 2005; Wolf et al. 2003.
81 Seelau and Seelau 2005.
82 Guadalupe-Diaz 2016.
83 Hassouneh and Glass 2008.
84 Guadalupe-Diaz and Jasinski 2017.
85 de Vries 2015, 18.
86 Pattavina et al. 2007.
87 Mogul, Ritchie, and Whitlock 2011.
88 Miles-Johnson 2016.
89 Gehi 2008, 318.
90 de Vries 2015.
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94 Ristock and Timbang 2005.
95 Benner and Dickerson 2018.
96 Gruberg 2018.
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98 Anderson 2010, 2.
99 Guadalupe-Diaz and Jasinski 2017
100 Few 2005.

101 Riggs et al. 2016.
102 Guadalupe-Diaz and Jasinski 2017, 787.
103 Guadalupe-Diaz and Jasinski 2017.
104 Messinger 2017b; VanNatta 2005.
105 Kattari et al. 2016.
106 Whitfield et al. 2014.
107 West 2014.
108 Guadalupe-Diaz and Jasinkski 2017.
109 Kasturirangan, Krishnan, and Riger 2004.
110 Potter 2008, 203
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112 Guadalupe-Diaz and Jasinski 2017.
113 Teal 2015.
114 Kim 2018.
115 Creative Interventions 2012.

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Transgender Intimate Partner Violence

A Comprehensive Introduction

Edited by

Adam M. Messinger *and* Xavier L. Guadalupe-Diaz

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