

*If you are being hurt
by your spouse or partner,
you may be eligible for
legal status without his/her cooperation*

QUESTIONS AND ANSWERS

**FOR
IMMIGRANTS
AND
REFUGEES**

You have the right to be free from violence in your home.

This brochure adapted by the Northwest Immigrant Rights Project from a brochure developed by Ayuda, Inc., based on a Family Violence Prevention Fund brochure: "You have the right to be Free from Violence in Your Home: Questions and Answers for Immigrant and Refugee Women."

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WHAT IS DOMESTIC VIOLENCE?

Domestic violence can be physical battering, but may also be threats, isolation, emotional mistreatment, economic control, or forced sex. Domestic violence occurs between people who know each other: husbands and wives, boyfriends and girlfriends, same sex partners, adult relatives, and parents and their children.

If you are experiencing domestic violence in your home, you are not alone. Although domestic violence is usually hidden, it is very common and probably affects many people that you know.

Domestic violence tends to get worse with time. It does not go away on its own. It is important to remember that you are not responsible for the violence but there are things you can do to break this cycle of violence.

WHAT CAN I DO?

There are a variety of services available to assist you to stop the violence in your home: shelters, hospitals, police, legal aid and other community services.

SHOULD I LEAVE MY HOME IF I AM IN DANGER?

If you are in danger, try to leave the situation. Go to a friend's house or a battered women's shelter. Shelters are usually free and will often have information about other services available in your community. If you stay with a friend or family member, keep your location secret.

If you leave your home, make every effort to take your children with you. It is also helpful if you can bring documents, such as a driver's license, identification, passports, visas and social security cards for you and your children, birth certificates, any public assistance documents, leases, checkbooks, paycheck stubs, marriage license, medical and police reports, copies of your spouse or partner's green card or social security card, photographs of your injuries and any existing court orders. If you think you may need to leave in the future, pack important items in a bag so you can find them quickly when you leave or take them to a friend's home.

If you can't leave the situation avoid rooms with only one exit. Avoid the kitchen, bathroom or garage.

SHOULD I CALL THE POLICE?

YES. Domestic violence is against the law. The police can escort you and your children out of the house if you want to leave and often can transport you to a safe place. Officers may arrest your husband/intimate partner if they believe a crime has been committed. If the police officer does not speak your language, find someone to interpret for you.

Always ask the police to complete a report about the incident and get an incident report number so that you can get a copy of the report. Also ask for and write down the name and badge number of the officer making the report.

If your spouse/partner is taken into custody, he may be released as soon as two hours later. This will give you time to find a safe place to go. The police generally will not turn a woman reporting domestic violence to the immigration authorities. If you do come into contact with the Immigration, remember that you have the right to remain silent and to talk to an attorney before answering any questions or signing any papers. Call the immigration legal services office listed on the back of this brochure if Immigration detains you.

I HAVE HEARD OF PROTECTION ORDERS. WHAT DO THEY DO?

A protection order can prohibit your spouse/partner from contacting, attacking, sexually assaulting or telephoning you, your children, and other family members. Along with this protection order, in most states you can also ask for custody of your children, exclusion of the batterer from your home and that the batterer not interfere with your immigration status. You can ask for important documents or other property to be given to you. You do not need to be a citizen or a legal resident to get a protection order. For a protection order to be effective, you must be willing to call the police to enforce it.

HOW WILL I SUPPORT MYSELF AND MY CHILDREN IF I LEAVE HOME?

Battered women's shelters will often provide free housing and food for you and your children. They may also be able to help you find a job. Call the resources listed on the back of this brochure for more information.

In most states, your spouse or the parent of your children may be ordered to pay you money each month to support your children if s/he is employed.

You may also be eligible for public assistance, which could help you support yourself and your children. For more information see the pamphlet, *Washington Public Assistance for Immigrant Victims of Domestic Violence*, available through the Northwest Justice Project, 401 2nd Ave. S. Suite 407, Seattle WA 98104, 206-464-1519 ext. 259. (www.washingtonlawhelp.org)

IF I AM A RESIDENT, WILL A DIVORCE OR SEPARATION AFFECT MY IMMIGRATION STATUS?

If you are a legal permanent resident your legal status should not be affected. However, you should keep documents and other objects, like photos, to show that your marriage was real and not entered into for immigration purposes. If you have conditional residence and have been battered or subjected to extreme cruelty, you will still be able to keep lawful immigration status. If your spouse will not cooperate in removing your conditional status, you can ask for a waiver. Contact an immigration attorney or one of the organizations listed on the back of this brochure for more information about this waiver.

I DO NOT HAVE LEGAL STATUS. CAN I LEAVE OR DIVORCE MY SPOUSE OR PARTNER?

YES. Divorcing or separating should not affect your immigration case. You do not have to stay with your abuser to be eligible for immigration benefits as a victim of domestic violence.

WHAT OPTIONS DO I HAVE TO GET IMMIGRATION STATUS IN THE U.S.?

If you are or were married, and have been abused by your (ex-)spouse, you may qualify to apply for a self-petition and obtain residence under the Violence Against Women Act (VAWA). Self-petitions are available to immigrants whose abusive spouse or parents are U.S. citizens or lawful permanent residents. It allows abused immigrants to obtain legal status without the cooperation of their abusive (ex-)spouse or parent. If you are not married or if you are in deportation proceedings you may still be eligible to obtain lawful immigration status under VAWA based on the abuse you or your children have suffered. If you are not married or if your abuser is not a citizen or a lawful permanent resident of the U.S. you may be eligible for a U Visa. This visa requires that you cooperate with the authorities in the investigation or prosecution of your abuser. Talk to an immigration attorney about these options. Do not apply for immigration benefits without first consulting an immigration attorney.

Under VAWA, you don't need to depend on your abuser to apply for legal status. Your spouse plays no role in the process and does not have to know you are applying for status. In many cases, children can also get legal status once their parent's petition is approved. Because the law is complicated, you should not go to Immigration without first consulting a shelter worker, immigration attorney, or one of the agencies listed on the back of this brochure for assistance.

WHAT IF I AM DIVORCED FROM MY ABUSER?

If you are divorced from your abuser, you can still file a self-petition as long as you file within two years of your divorce. If you are considering a divorce or getting married again, please consult an immigration attorney before making that decision.

WHAT IF IMMIGRATION DEPORTS MY SPOUSE OR PARTNER?

If your spouse loses his/her legal permanent residence status, you can still file a self-petition within two years of the deportation. Please consult an immigration attorney as soon as possible if your spouse is in deportation proceedings.

WHAT IF I DON'T KNOW MY SPOUSE OR PARTNER'S STATUS?

If you do not know your spouse/partner's status, contact an immigration attorney who may be able to help you find out.

MY SPOUSE/PARTNER ONLY HURTS ME WHEN WE ARE ALONE. WILL IMMIGRATION BELIEVE ME?

Your personal testimony, or "declaration," is the most powerful way to prove your case. The Immigration authorities or the immigration courts can also look at other things like copies of your protection order, medical records, police reports, photographs of your injuries, testimony of friends, family or shelter workers. If you testify in immigration court, you can request that the court provide an interpreter for you. There is no particular document that you must have in order to prove your case.

WHAT IF I CANNOT AFFORD A LAWYER?

Do not go to Immigration without a lawyer or before consulting with a lawyer. Your conversation with the attorney will be confidential and he or she cannot report you to Immigration. If you cannot afford to pay an attorney, contact the nearest legal services office or call the immigration legal services organization listed on the back of this brochure.

CONGRATULATIONS!

You have just taken the first step toward creating a safe home for yourself and your children by reading this brochure. The next step is to seek assistance of organizations listed in the following list of resources.

RESOURCES AND REFERRALS:

POLICE 9-1-1

LEGAL ASSISTANCE

FOR IMMIGRATION ISSUES:

NORTHWEST IMMIGRANT RIGHTS PROJECT

WESTERN WA OFFICE: 1-800-445-5771 OR

206-587-4009

EASTERN WA OFFICE: 1-888-756-3641 OR

509-854-2100

FOR OTHER CIVIL LAW ISSUES:

CLEAR (for people outside of King County):

1-888-201-1014 (M-F 9:30-12:30

Tue. 4-6:30pm)

Northwest Justice Project (For King County

Residents):

(206) 464-1519 or www.nwjustice.org

For Shelters and Domestic Violence Services

Washington State 24-hour Domestic Violence

Crisis Hotline: 1-800-562-6025

National Domestic Violence Hotline:

1-800-799-SAFE (7233)

TTY 1-800-787-3224

For other social services:

Community Information Line

(M-F 8am-6pm):

(206) 461-3200, 1-800-621-INFO (4636)

(You can request an interpreter)

WA Relay Service: 1-800-833-6384 or 711