



Immigrants and Domestic Violence

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Assistance

Domestic Violence

A.R.S. 13-3601: DV

Criminal Activity

- Murder
- Endangerment
- Threat/Intimidate
- Disorderly Conduct
- Criminal damage
- Unlawful imprisonment, kidnapping
- Sexual abuse, sexual assault

- Preventing use of phone in emergency, interfering with judicial proceeding

- Cruelty to animals
- Unlawful distribution of images

AND



Qualifying Relationship

- Marriage, former marriage, residing in same household
- Child/pregnancy in common
- Parent, grandparent, brother, sister (blood or marriage)
- Child and parent's partner, if lived together
- Romantic or sexual relationship

Additional Barriers Faced by Immigrants

- Fear of deportation (threats by abuser)
- Fear of losing custody of children
- Extra dependent (no work authorization, difficult to get housing)
- **Lack of knowledge and/or misinformation about U.S. legal system; fear and mistrust of authority/law enforcement (corruption)**
- Social isolation (no connections in U.S., language barriers)
- Language, cultural and religious messages

What an advocate can
do to help

Who to refer

- Any immigrant who has been a victim of domestic violence, sexual assault or stalking
 - **Even if the victimization happened a long time ago, in another country, or with a previous partner**
- An immigrant who can claim asylum (persecuted in another country because of race, religion, national origin, political opinion or membership in a particular social group)

How to help

- Provide case management support just like you would for a U.S. Citizen
 - Keep in mind, they might not qualify for some public benefits.
- Help clients to get relevant police reports, identification documents, immigration documents before meeting with attorney
- Encourage victims to report crime to appropriate officials

Legal Information v. Legal Advice

- Only licensed attorneys should give legal advice
- Advice: compare a specific situation with available legal options and make a recommendation of which option is best suited in that situation
- Information: provide unbiased information about resources available without giving an opinion about what action someone should take

Legal Information v. Legal Advice continued

- Legal Information: "I have heard there is a visa for victims of crime. You should talk to an attorney to see if you qualify."
- Legal advice: "I think you qualify for a U Visa because you were a victim of crime, suffered substantial harm, and cooperated in the investigation or prosecution of that crime."

General Immigration Information

Types of Immigration Status

- **United States Citizen (USC)**– born in the United States, derived citizenship or naturalized
- **Documented Immigrants**
 - **Legal Permanent Resident**– “green card” holder; can apply for citizenship after 3 or 5 years; immigrant status
 - **Non-immigrant status**– a specific visa for a specific time
- **Undocumented Immigrant**– entered without inspection or overstayed their authorized time
- **Deferred Action**– no specific status but they are not a priority for deportation

Department of Homeland Security(DHS)

- **Citizenship and Immigration Services (USCIS)** – the office that grants benefits in the U.S.
- **Immigration and Customs Enforcement (ICE)** – detention office and the prosecutors of DHS
- **Customs and Border Protection (CBP)**
 - Customs Officers at the border
 - Border Patrol

U Visa

Protection for victims of crime in the U.S.

Who qualifies for the U Visa?

- Victim of a qualifying crime who is helpful in the investigation or the prosecution of the crime.
- Requires law enforcement, judge or prosecutor to sign off that applicant 1) was a victim and 2) was helpful in investigation or prosecution

Crimes that Qualify for a U Visa

- **Sexual Crimes**– rape, sexual assault, abusive sexual contact, incest, prostitution etc.
- **Violent Crimes**– felonious assault, homicide, torture
- **Crimes Related to the Justice System**– obstruction of justice, perjury, witness tampering
- **Crimes that limit or take away freedom**– kidnapping, false imprisonment, slave trade
- **Crimes related to work or labor**– trafficking in persons, involuntary servitude
- **Domestic violence**
- **Attempt, conspiracy or solicitation of one of the listed crimes**
- **Related crimes**

U Visa Certification

- Form I-918 Supplement B signed by:
 - Police
 - Prosecutor
 - Judge
- The certifier within the agency must be the head of the agency or any person in a supervisory role specifically designated by the head of the agency (ex. Victims Services)

U Visa Certification

- No statute of limitations
 - Two prong policy: keep victim in US during investigation and create an environment of cooperation with law enforcement
- Can withdraw the certification if the witness does not continue being helpful
- The certification does NOT grant the visa. It is one part of the process.

VAWA

Self-Petitions for Family Members of U.S. Citizens or Lawful Permanent Residents

VAWA Self-Petition vs. Family Petition

VAWA Self-Petition



Family Petition



Application for
Permanent
Residency

Requirements of the VAWA Self-Petition

1. Qualifying family relationship (usually marriage to USC or LPR; child of USC or LPR; parent of USC)
2. Proof of living together in the United States
3. Victim of battery or extreme cruelty
4. Good moral character

Family Relationships that Qualify for VAWA

- Relatives abused by U.S. Citizens
 - Husband/Wife
 - Child (under 21)
 - Parent (if the abuser is over 21)
- Relatives abused by LPRs
 - Husband/Wife
 - Child (under 21)
- The parent of a child abused by the citizen or resident spouse (the child's step-parent)

- ❖ Applicants who submit a self-petition can include children under age 21 in the petition

Benefits of an Approved VAWA Self-Petition

- Work permit
- Deferred Action status
- Ability to apply for residency, in most cases

T Visas

Visas for victims of human trafficking

Requirements for the T Visa

1. Victim of human trafficking
2. Present in the United States as a result of being trafficked
3. Report the trafficking to the appropriate law enforcement official
4. Assist in the investigation or prosecution of the human trafficking
 - No specific form required; can satisfy with an affidavit from attorney
5. Proof that victim would suffer substantial harm if he/she had to leave the United States

Definition of Human Trafficking

- Sex Trafficking
 - Contract, house, transport, provide or obtain a person
 - For the purpose of a commercial sex act
 - The commercial sex act is induced by force, fraud or coercion (or the victim is under 18)
- Labor Trafficking
 - Recruit, harbor, transport, provide or obtain a person for labor or services
 - Through force, fraud or coercion
 - For the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery

(Victims of Trafficking and Violence Prevention Act of 2000)

Benefits of the T Visa

- Permission to be in the United States for 4 years
- Work Permit for 4 years
- Can apply for residency after three years or after the investigation is complete
- Can include family members
 - Adult victim – Husband or wife and children younger than 21 years
 - Child victim (under 21) – Husband or wife, children under 21 years old, parents, siblings under 18

Citizenship/Naturalization

Requirements to Apply

- 5 years as a Lawful Permanent Resident (or 3 years if LPR through USC spouse and still married)
- Good Moral Character
- Fee waiver available for Form (N-400)
- Note: marrying a U.S. Citizen does NOT automatically make you a citizen!

Services to apply for citizenship

- Several organizations have Naturalization Fairs where they provide free services
- Fee waiver is available for cost of the form processing by USCIS
- CCS offers naturalization services if clients can come to Tucson. In some cases, clients can participate in a workshop and not pay for our services.

What Can You Do?

- Refer all victims who may be immigrants to Against Abuse and CAAFA
 - Hilda Granados and Sylvia Procera
 - (520)836-1239
- Develop/maintain procedures for signing U Visa certifications and encourage neighboring jurisdictions to do the same

How to Contact Us

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