Community Workshop: Shining the Light on Violence Against Immigrant Women

Presented by
Centre County Women’s Resource Center’s Civil Legal Representation Project
and
Penn State Law’s Center for Immigrants’ Rights
April 11, 2013
Centre County Women’s Resource Center (CCWRC)

- Services
  - 24 Hour Rape/Abuse Hotline
  - Emergency Shelter
  - Transitional Housing Program
  - Counseling
  - Advocacy/Accompaniment
  - Children’s Program
  - Community Education
  - Legal Representation
The Civil Legal Representation Project (CLRP) was initiated by the Centre County Women’s Resource Center to provide legal representation to victims of domestic violence, sexual assault and stalking.

The CLRP represents clients of CCWRC in family law matters and has expanded to also represent immigrant victims of domestic violence, sexual assault, and stalking.
Penn State Law’s Center for Immigrants’ Rights

- The Center is an immigration clinic where students, supervised by Professor Shoba Sivaprasad Wadhia, produce legal policy work of national impact on behalf of institutional clients like the Centre County Women’s Resource Center.
- The Center trains students to understand immigration law, policy, politics, and the relationships between them.
This is **NOT** a legal clinic.

We will not provide legal advice regarding a particular individual’s circumstances.
Workshop Goals

Discuss the realities of domestic violence, sexual assault, and stalking of immigrants in communities

Explain the remedies available to immigrant victims under U.S. immigration law

Identify the purpose of each remedy

Apply the eligibility requirements to a fact pattern
Ana’s Story

daughter
sister
wife
mother

stop
violence
against
women
Battering is the leading cause of injury and the second leading cause of death to women in the U.S.

Battering affects women of every race, culture, creed, economic class, and sexual orientation.
3 in 10 women in the U.S. have experienced severe physical violence by an intimate partner.

1 in 5 women have been raped in their lifetime.

1 in 6 women have been stalked during their lifetime.
Why Victims Do Not Report Abuse

- Shame
- Embarrassment
- Pressure from family and friends
- Fear of retaliation from perpetrators
- Law enforcement issues
Power & Control Wheel
Lack of Understanding U.S. Laws

Economic Barriers

Cultural Barriers

Challenges Unique to Immigrant Victims

Language Barriers

Immigration Status

Deportation Concerns
Immigration 101

- Visa
- Lawful Permanent Resident
- Nonimmigrant
- Principal Applicant
- Derivative Applicant
- Family-Based Immigration System
Immigration Remedies for Victims

- VAWA Self-Petition
- U-Visa
- T-Visa
Violence Against Women Act (VAWA)
VAWA was enacted in 1994, and was the first piece of federal legislation to address domestic violence.

VAWA created several important remedies:
- VAWA Self-Petition
- U-Visa

VAWA was reauthorized on March 7, 2013 for five more years.
Reauthorization of the Violence Against Women Act

“No One Should Have to Live in Fear of Violence”
Reauthorization of the Violence Against Women Act

VIDEO CLIP OF OBAMA
The VAWA Self-Petition is a form of relief that empowers the victim to submit his or her own application without the abuser’s knowledge or consent.
Spouses
Abused spouse of a USC/LPR may petition for relief and may include children as derivatives on petition

Parents
Abused parents may petition for relief when the USC child is over 21

Children
Abused children under 21 who have experienced abuse by a USC/LPR parent may petition
VAWA Self-Petition Requirements

1. Qualifying relationship with USC or LPR abuser
2. Legal and good faith marriage
3. Battery and extreme cruelty
4. Residence with the abuser
5. Good moral character

INA § 204(a)
Documents Proving Residency, Relationship, and Abuse

- School records for children
- Medical records
- Court orders
- Police reports/restraining orders
- Photos of injuries
- Medical records/hospital records
- Prior intake forms for DV services
Documents Proving Residency, Relationship, and Abuse

- Immigration Documents
- Marriage certificate(s)
- Wedding or vacation photos
- Birth certificates of children
- Income tax returns filed jointly
- Lease agreements/mortgage payments
- Bank statements/credit card statements
- Utility bills
U-Visa
U-Visa Purpose

Aid law enforcement in the investigation and prosecution of criminals by providing a way for noncitizen victims to remain in the U.S.
Be a victim of a qualifying crime and suffer substantial physical or mental abuse

Possess information about the qualifying crime that occurred in the U.S. or violated U.S. law

Be certified by law enforcement as being, have been, or likely to be helpful to the investigation and/or prosecution of that qualifying crime
U-Visa Qualifying Crimes

- Domestic Violence
- Sexual Assault
- Rape
- Stalking*
Has Been or Likely to Be Helpful

Applicant must have been a victim of the crime for which the applicant is supplying information regarding criminal activity.

Helpfulness does not require an arrest or a criminal conviction against the abuser.

INA § 101(a)(15)(U)
## Comparing VAWA Self-Petition and U-Visa

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<thead>
<tr>
<th>Benefit</th>
<th>VAWA Self-Petition</th>
<th>U-Visa</th>
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<tbody>
<tr>
<td>Work Authorization</td>
<td>Yes, upon approval</td>
<td>Yes, upon approval</td>
</tr>
<tr>
<td>Derivative Family Members</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Green Card</td>
<td>Yes, when visa is available</td>
<td>Yes, after 3 years in U-visa status</td>
</tr>
<tr>
<td>Processing Time</td>
<td>17 months</td>
<td>13 months</td>
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T-Visa
T-Visa Purpose

Aid law enforcement in the investigation and prosecution of human trafficking by providing an immigration method for foreign victims to remain in the U.S.

T-Visa was created by the Victims of Trafficking and Violence Prevention Act of 2000 to increase the ability of the government to combat trafficking in persons.
Victim has experienced a severe form of trafficking in persons

Victim is physically present in the U.S. on account of the trafficking

Victim has or will comply with any reasonable request for assistance in the investigation or prosecution

Victim will suffer extreme hardship involving unusual or severe harm upon removal from the U.S.

INA § 101(a)(15)T(1)
Ana’s Story

Review
Review of Remedies

VAWA
Victim of Family Abuse

U-Visa
Victim of Crime

T Visa
Victim of Human Trafficking
Summary of Remedies

Congress created various remedies to assist immigrant victims of domestic violence and sexual assault.

Victims may qualify for relief because they have experienced abuse by a family member (Self-Petition).

Victims can apply for relief because the abuse they experience is a crime (U-Visa and T-Visa).
Questions?
Thank You for coming to our Community Workshop!