



***FAQ for Law Enforcement:
Immigrant Victims of Domestic Violence & Sexual Assault***
May 15, 2020

1. What is the role of law enforcement for immigrant victimsⁱ of domestic violence and sexual assault?

By and large, immigration is a civil matter, not a criminal one. However, fear of removal (deportation) prevents many immigrants from reporting crimes. There are specific protections for immigrant victims of domestic violence and sexual assault. For example, immigrant victims of crime may be eligible for U visas. U visas serve as a tool for law enforcement to help eliminate crime in local communities. Law enforcement officers have an important role in establishing trust and providing notice of resources to these vulnerable community members resulting in safer communities.

2. How does this help law enforcement?

[The U visa](#) encourages victims of specific crimes to report and collaborate with law enforcement. Eligibility for this visa require a certification of helpfulness that can be provided by a qualifying law enforcement officer. Certification is not granting a visa, it is providing U.S. Citizenship and Immigration Services (USCIS)ⁱⁱ with one piece of evidence in their determination on whether to grant a visa to a victim. [Updated in 2019](#), the [U Visa Law Enforcement Resource Guide](#) lays out information about U visa requirements, the law enforcement certification process, and answers to [frequently asked questions](#).

3. What other forms of relief are there?

Immigration relief is not limited to the U-Visa.ⁱⁱⁱ Additional examples include the Violence Against Women Act (VAWA) Self-Petition and Special Immigrant Juvenile Status (SIJS). The [VAWA Self-Petition](#) is a remedy for immigrant victims abused by their U.S. citizen or lawful permanent resident (green-card holder) spouse or parent. Victims are able to file applications without the knowledge or participation of the abuser. [SIJS](#) is a classification granted to juveniles which may result in qualifying for lawful permanent residency. There are many [statutory requirements for SIJS applicants](#), one of which requires a finding of abuse, abandonment, or neglect by one or both parents in a state court.

4. Responding to a victim's call for domestic violence, the officer arrests the abuser instead on simple assault and drug charges. Does the crime qualify for certification?

Yes, according to DHS's [U Visa Law Enforcement Resource Guide](#), "a law enforcement certification is valid regardless of whether the initial crime being investigated [domestic abuse] is different from the crime that is eventually processed [drug charges]." The certification is valid "as long as the person is a victim of a qualifying criminal activity." Here, where the investigated crime was domestic abuse but the prosecuting crime resulted in a different charge of a drug offense, the

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victim may still receive certification for the qualifying domestic abuse case if they reported the domestic abuse and cooperated or was helpful to law enforcement in the drug prosecution.^{iv} On a separate note, several victims' advocates^v find it may be useful to provide a detailed police report because not only will it support victim credibility for a subsequent protective order, it may be helpful in documenting the scene for future [immigration relief requiring battery or extreme cruelty](#).

5. Why might it be complicated for an immigrant victim of domestic violence and sexual abuse to contact or cooperate with law enforcement?

Immigrant victims are vulnerable to ongoing domestic violence abuse due to fear of deportation, language barriers, misinformation about the police and U.S. legal system, and more. If possible, secure appropriate language resources for communication because persons unknown to law enforcement may volunteer to translate while being party to the abuse.

Immigrant victims may believe that contacting law enforcement will lead to deportation and this prevents them from working with the courts or law enforcement. This requires working towards making resources available to immigrant victims in a culturally sensitive manner. Communicate with victims that immigration is a federal responsibility and that the University Police does not enforce immigration. Regardless of status, crime victims and witnesses are entitled to police protection and criminal justice.

6. How does immigration abuse contribute to domestic violence?

A form of control is immigration abuse, where the perpetrator threatens to have the victim deported, hides or destroys documentation, prevents the victim from learning English, or controls the victim financially because either their visa or their partner does not permit them to work.^{vi}

7. What if an F-1 student abuses their F-2 spouse?

F-2 spouses are dependents, derivatives of the F-1 student visa holder. An F-2 who suffers abuse at the hands of an F-1 holder can still seek protection under the U category. It is important to refer the victim to an immigration attorney to discuss eligibility for a U visa.

8. What are some good practices for officers who may come in contact with an immigrant victim of crime?

Before leaving the home, a good practice is to encourage and assist the victim in securing documentation while law enforcement is still present. Your presence on the scene provides safety and an opportunity for the victim to secure important documents that might otherwise be left behind. This prevents important documentation from being later destroyed by the abuser. The abuser may attempt to hide or destroy important identification or immigration-related documents to control the victim.

The presence of a police officer allows the victim to secure these documents that may be important to their case. Some of these documents are provided in this table. In the event that victim is unable to recover primary documents, here are some examples of other documents that are also useful. Leaving can be dangerous and planning may increase safety. If the victim stays, reassure them of the protections law enforcement can provide.

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9. What are important documents for immigrant victims?

[Important documents include, but are not limited to](#), birth certificate, passport, marriage license, permanent resident card (green card), social security card, USCIS issued work permit, pay stubs, and receipts and notices for immigration related documents. In the event that victim is unable to recover primary documents, it may be helpful to let victim know that secondary documents, such as student IDs, utility bills, and voter registration cards, are also useful.

10. What resources can I provide in this situation?

Provide referral to all service providers in the community, including with immigration representation. Collaboration with system partners is essential to ensure the victim (1) can meet emergency needs, (2) has access to community resources, (3) can pursue protections available under the law, and (4) can seek justice. In addition to safety and security, be prepared to share information on resources including, but not limited to, [legal services providers and referral list](#), information about [immigration relief for victims of crimes](#), shelter, and family assistance.

11. Who can I call with immigration questions?

Identify systems partners with phone numbers for immediate assistance. [Centre Safe](#) is a resource center for survivors and has a legal advocate in the State College Police Department [Victim Centered Intensive Case Management](#) (VCICM) Unit at (814) 234-5050.

12. Where can I find more resources?

The [Center for Immigrants' Rights Clinic](#) published a tool kit with Centre Safe, [Immigration Relief for Victims of Abuse and Domestic Violence](#) (2012), to help practitioners in representing immigrant victims of domestic abuse and sexual assault.

For more resources, also visit:

National Resources

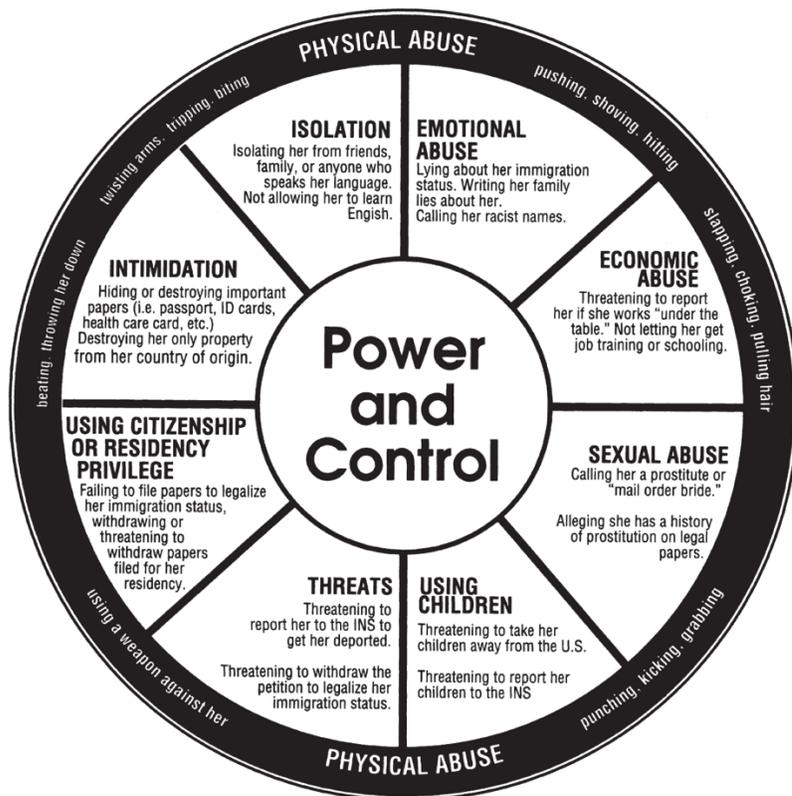
- [Battered Women's Justice Project \(Law Enforcement Guide\)](#)
- [ASISTA](#) (Immigration Attorneys and Advocates for survivors)
- [Informed Immigrant](#) (Undocumented Resources)
- [National Domestic Violence Hotline](#)
- [Global Network of Women's Shelters](#)

Local Resources on Domestic Violence and Sexual Assault

- [Pennsylvania Coalition Against Domestic Violence](#) (PCADV)
- [Pennsylvania Coalition Against Rape](#) (PCAR)
- [Centre County Victim Witness Office](#)

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The [Immigrant Women Power and Control Wheel](#) focuses on some of the many ways immigrants can be abused and is [available in several languages](#).



ⁱ For the purpose of this document, the term *victim* will be used due to its purpose in the criminal justice system. *Victim* describes a person subjected to a crime and under the law, the term provides legal status where the victim is entitled to specific protections and relief. *Survivor* is a term of empowerment and many survivors have begun or are going through the recovery process. Both terms may be interchangeable depending on context and may be used respectfully. The best way to be respectful is to ask for their preference. ([Sexual Assault Kit Initiative \(SAKI\) on terminology](#))

ⁱⁱ The Department of Homeland Security (DHS) encompasses Immigration and Customs Enforcement (ICE), Customs and Border Protections (CBP), and the [U.S. Citizenship and Immigration Services \(USCIS\)](#). The USCIS focuses on the administration of the naturalization and immigration system.

ⁱⁱⁱ Additional forms of relief include, but are not limited to, the Violence Against Women Act (VAWA) self-petition, VAWA cancellation of removal, battered spouse waiver, and Special Immigrant Juvenile Status (SIJS).

^{iv} "In the process of investigating drug trafficking allegations, police determine that the drug trafficker's wife is a victim of domestic violence. The victim reported the domestic abuse. The state brings a prosecution against the husband for drug offenses but not domestic violence crimes. The wife is cooperating in the drug prosecution. Law enforcement may complete a Form I-918B certification for reporting the domestic abuse case that is not being prosecuted." Example presented in the *U Visa Certification Guide*, at 13.

^v [Battered Women's Justice Project Law Enforcement Guide](#) at 7; *Immigrant Legal Resource Center (ILRC)* at 34.

^{vi} See the *Immigrant Power and Control Wheel* at the end of this document.

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