

# Out of the Shadows: Supporting Immigrant Survivors of Domestic Violence



**Wednesday, October 28th | 3pm EST/12pm PST**

# AGENDA

- 3:00** Welcome & Overview — Elaina Ramsey, Women & Girls Campaign Director, *Sojourners*
- 3:05** A Life in the Shadows — Yazmin, Survivor Leader
- 3:13** Legal Issues Impacting Survivors — Dominique Poirier, Director of Legal Services, *Just Neighbors*
- 3:21** Domestic Violence and Immigration Policy — Marium Durrani, Public Policy Attorney, *National Network to End Domestic Violence*
- 3:29** Client Services for Immigrant Survivors — Karen Romero, Social Services Director, *Ayuda*
- 3:37** Q&A
- 3:55** Closing Remarks

# A Life in the Shadows

**Yazmin**  
Survivor Leader

# Legal Issues to Consider When Working with Domestic Violence Victims



**Dominique Poirier**  
Director of Legal Services  
Just Neighbors

# Criminal vs. Civil

- Domestic violence victims often find themselves in court due to either criminal or civil issues or both.
  - Criminal: The state prosecutes the defendant due to the violence perpetrated on the victim.
  - Civil: The victim may pursue civil protection due to violence perpetrated (i.e. protective order) or may pursue other protections related to abuse.
- The same judge often hears both matters which can be confusing for our clients.

# Civil Matters Related to Abuse

- Protective Orders – usually multiple orders available (i.e. Emergency/2 week/2 year)
- Child Custody issues
- Spousal Support
- Child Support
- Divorce
  - All of the above are heard in state court. Often if there is a criminal matter, it may be the same judge who hears both.
- Immigration Benefits – through the federal government

# Immigration Benefits Available to Domestic Violence Victims - VAWA

- Violence Against Women's Act (VAWA) – Despite the name, covers both abused women and men
  - Married to USC or LPR (greencard holder)
  - Married in Good Faith
  - Joint Residence
  - Abused physically (some emotional abuse qualifies)
  - Good Moral Character
  
- Violence Against Women's Act also covers
  - Abused children (unmarried, under 21 years of age) of LPRs or USCs
  - Abused parents of USCs
  - Same sex marriages - SCOTUS struck down Defense of Marriage Act in 2013
- Can file I-360 self-petition and, in most cases, eventually apply for LPR status (residency)

# Immigration Benefits Available to Domestic Violence Victims – U-Visa

## ➤ U-Visa

- has been the victim of certain criminal activity that occurred in the U.S. or violates a law of the U.S. (Domestic Violence is recognized as one of the categories of crimes covered.)
- possesses information concerning this criminal activity, has been helpful, or is being helpful, or is likely to be helpful to law enforcement in the investigation or prosecution of this criminal activity, and
- suffered “substantial physical or mental abuse” as a result of the victimization.



## Immigration Benefits Available to Domestic Violence Victims – U-Visa (continued)

- If the crime is perpetrated on a minor under the age of 16, even a USC minor, the cooperating parent may qualify as an “indirect victim.”
- Therefore, child victims of DV, incest etc., may qualify for a U-Visa if they are not USCs, and the non-perpetrating parent may qualify whether or not the child is a USC or an alien.
- U-Visa is valid for four years; after three years in U-Status, the victim can apply for LPR status

# Immigration Benefits Available to Domestic Violence Victims – DV Based Asylum

- Domestic violence occurs in country of origin
- Meets definition of asylee which includes in part:
  - “married women in ‘country of origin’ who are unable to leave their relationship” can constitute a recognizable particular social group that forms the basis of a claim for asylum or withholding of removal
  - Very difficult to obtain – fairly new area of asylum law
  - Must apply for asylum within one year of entry into the U.S. (Withholding of Removal does not have this bar)
  - Asylees are eligible to apply for LPR status after one year; Withholding of Removal cannot apply for LPR status

# Immigration Benefits Available to Domestic Violence Victims - SIJS

- Special Immigrant Juvenile Status (SIJS)
  - Dependents of juvenile court or committed to/placed under custody of agency, department of a state, or an individual/entity appointed by a state or juvenile court
  - Children for whom reunification with one or both parents is not viable
  - Due to abuse, neglect, abandonment or similar basis under state law
  - Not in the best interest to return child to home country
  - File I-360 self-petition and can file for LPR status

# State of Play: Domestic Violence and Immigration Policy



**Marium Durrani**  
Public Policy Attorney  
National Network to End Domestic Violence

# Background

- 75% of undocumented people are women and children
- Due to their immigration status, immigrant women might have a more difficult time escaping abuse
- Barriers include immigration laws, language differences, social isolation, and lack of financial resources
- Abusers often exploit a victim's immigration status as a way to maintain power and control
- Individuals are sometimes unaware that domestic violence is illegal in the U.S. and that resources are available to help survivors

# Current Immigration Policy

- In 1994, Congress passed the Violence Against Women Act (VAWA), creating special routes to immigration status for certain battered non-citizens.
- VAWA Self-Petitions
- The U-Visa
- The T-Visa

# 114th Congress

- Status of Immigration Reform
- Bad Immigration Amendments (multiple)
- Family Detention
- Sanctuary Cities

# Policy Recommendations

- Bills, targeted actions, administrative actions
- Strengthen existing protections for immigrant survivors of domestic violence
- Strengthen U-Visa program by increasing the number of available U-Visas
- Include child abuse and elder abuse in qualifying crimes
- Support survivor self-sufficiency and remove vulnerabilities to further victimization (e.g. assistance to legal status, work authorization, protect and increase safety net benefits)
- Safeguard abused dependent spouses and children
- Organizations that assist victims should not be penalized for helping to feed, house, and protect undocumented immigrants



# Domestic Violence Services for Immigrant Survivors



**Karen Romero**  
Social Services Director  
Ayuda

# Ayuda: A Holistic Model

Ayuda serves foreign born individuals in the areas of:

- Children and Youth (vulnerable children and unaccompanied minors)
- Domestic Violence and Sexual Assault
- Human Trafficking
- Immigration
- Notario Fraud
- Language Access Services

We believe that the immigrant community is best served by collaboration and providing client-centered holistic services.

Our mission: Ayuda envisions a community where all immigrants overcome obstacles in order to succeed and thrive in the United States. We realize our vision by advocating for low-income immigrants through direct legal, social, and language services, training, and outreach in the Washington, DC, metropolitan area.

# Direct Client Services

Our Domestic Violence and Sexual Assault Program offers holistic legal and social services in a culturally sensitive environment to low-income immigrant victims of domestic violence and sexual assault.

What does this look like?

- Help clients secure emergency and transitional shelter, food, clothing, and medical/mental health care for themselves and their children
- Provide individual and group therapy
- Provide internal referrals between social services and legal services

# Domestic Violence

- Throughout the world, one in three women are victims of gender-based violence. This abuse results in physical, sexual, or mental harm or suffering.
- Immigrant and marginalized communities face additional barriers in accessing and obtaining services:
  - Domestic violence is tolerated and not spoken about in many cultures
  - Difficulty obtaining services in primary language
  - Fear and mistrust of government; clients may not know how to differentiate a government institution from a nonprofit agency
  - Fear of deportation or having children taken away
  - Limited access to resources (e.g. transportation)

# Collaboration

- Collaboration between legal and social services allows for clients to be served holistically in one location.
- Many of our clients are limited by their ability to work. Not having work authorization greatly hinders a person's ability to meet their basic needs.
- Some of our clients have been able to apply for a U-Visa or VAWA, in addition to receiving orders of protection and receiving representation in custody cases.

# Outcomes

- Collaboration between professions has a great impact on our clients' cases.
- Services are streamlined and processes are kept consistent:
  - Avoid duplication of services
  - Avoid re-traumatizing a client
  - Provide services that one professional may overlook
  - Advocate for a client efficiently
  - Build rapport with client and with a client's community

# Q & A

- Press \*6 to unmute your phone and ask a question

- OR -

- Type your question in the chat feature at the top of your screen

# Resources





# Contact Information

- Marium Durrani: [mduranni@nnev.org](mailto:mduranni@nnev.org)
- Ivone Guillen: [iguillen@sojo.net](mailto:iguillen@sojo.net)
- Dominique Poirier: [dominique@justneighbors.org](mailto:dominique@justneighbors.org)
- Elaina Ramsey: [eramsey@sojo.net](mailto:eramsey@sojo.net)
- Karen Romero: [karen@ayuda.com](mailto:karen@ayuda.com)