

## 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 the assistance of organizations listed in the following list of resources, or to make your own list of resources in your area.

### RESOURCES

#### National Domestic Violence Hotline

Interpreters for various languages are available

1-800-799-SAFE or

1-800-799-7233

# You Have A Right To Be Free From Violence In Your Home

## Questions & Answers

# For Immigrant and Refugee Women



Originally written by Donna Norton and produced by the Family Violence Prevention Fund (FUND). Updated by Minty Siu Chung of AYUDA Inc. and Leni Marin of the FUND. Funding provided in part by the San Francisco Commission on the Status of Women. This translation was funded by The California Department of Health Services.

For more in depth coverage, consult the manual, *Domestic Violence in Immigrant and Refugee Communities: Asserting the Rights of Battered Women*.

This brochure and manual can be ordered from the  
Family Violence Prevention Fund  
383 Rhode Island Street, Suite 303  
San Francisco, CA 94103-5133  
415/252-8900

Camera-ready versions of this brochure can also be ordered. The publisher grants its permission for you to reproduce this brochure in full.



### WHAT IS "DOMESTIC VIOLENCE"?

Is your partner extremely jealous and does he discourage you from speaking to friends or family? Does he prevent you from getting a job or learning English?

Has your partner ever threatened to take away your children? Has he told you that he will have you deported?

Have you ever been hit by your partner? Has he forced you to have sex when you did not want to? Has he ever threatened to harm you with weapons like guns, knives or other objects?

Does your partner claim that his violence is your fault? Has he ever told you his violence is not serious? Does he blame drugs or alcohol for his violent behavior? Does he make you feel like you are crazy? Does he call you names that are demeaning to you?

If you answered yes to some of these questions, you are not alone. Many other women like you are in the same situation. Your partner's behavior is not your fault. Help is available to you.

Domestic violence tends to get worse over time. It does not go away on its own. This brochure will outline some things you can do to protect yourself and your children from continuing violence.

This brochure will refer to the abuser as "he." Some women are abused by other women. While not all the legal remedies will apply to lesbian relationships, this brochure will still provide some basic information about things you can do to make yourself safe.



### 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?

YES. 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 a family member, keep your location

secret if possible. You have the right to keep your immigration status private.

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 licence, identification, passports, and visas for yourself and your children, birth certificates, documents from any public assistance programs, rental agreements, checkbooks, credit cards, paycheck stubs, marriage license, copies of tax returns for yourself and your husband/intimate partner. Information about your husband can also be helpful. If you cannot get a copy of his resident alien card or certificate of naturalization, copy down the information from those documents on a piece of paper. If you think you may need to leave in the future, pack these items in a bag so you can find them quickly as you leave or take them to a friend's home.



### 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 other than your child or abuser 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 husband/partner is taken into custody, he may be released in as soon as two hours. Use this time to find a safe place to go. The police generally will not turn in a woman reporting domestic violence to the Immigration and Naturalization Service (INS).



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

A protection order can prohibit the abuser from coming near, attacking, sexually assaulting or contacting you, your children, or other family members. Along with this protection order, in most states you can also ask for custody of your children, child support, that the batterer be removed from your home and that the batterer not interfere with your immigration status. You do not need to be a citizen or legal resident to get a protection order. For a protection order to be effective, you must be willing to call the police to enforce the order.



### **CAN I GET A PROTECTION ORDER EVEN IF I AM NOT A U.S. CITIZEN?**

YES. You do not need to be a citizen or legal permanent resident to get a protection order. A lawyer may be helpful, but it is not necessary to have one in order to get a protection order. Applications are generally available at courthouses, women's shelters, legal services offices, and some police stations. Civil courts generally do not ask about a woman's immigration status when she asks for a protection order, a child custody order, or a dissolution. Ask a legal services attorney, i.e., attorneys who provide free legal services to low income individuals, or an immigrant advocacy group in your area about the policy in your court.



### **HOW CAN I GET LAWFUL PERMANENT RESIDENCY WITHOUT MY HUSBAND'S HELP?**

The Violence Against Women Act (VAWA) creates two ways for women married to US citizens or lawful permanent residents to get their residency. The first is called "self-petitioning." Instead of depending upon your husband to apply for your residency with INS, you can apply on your own for yourself and your children. Your husband plays no role in the process and does not have to know you are applying for residency. Because the law is complicated, you should not go to the INS without first consulting a shelter worker, immigration attorney, or one of the agencies listed on the back of this brochure for assistance.

The second method for obtaining residency is called "cancellation of removal." This method is only available to you if you are in, or can be placed into, deportation proceedings. If you qualify for cancellation, the court may waive your deportation and grant you residency. However, because you must be in deportation proceedings before you can apply, be certain to see an immigration attorney before proceeding.

If you don't seem to qualify under VAWA, don't despair. There may be other ways you could get immigration status, such as a new visa Congress has created for crime victims. The best thing to do is to discuss your situation with an immigration or domestic violence advocate (do NOT call INS.)



### **MY HUSBAND IS THREATENING TO TAKE MY CHILDREN AWAY IF I LEAVE HIM. WHAT CAN I DO?**

If your husband/intimate partner is threatening to take

your children away or take them to his home country, you should:

1. Immediately get a custody order. The order can include an order to prohibit your husband/intimate partner from removing the children from the country in which you live.
2. If the children are U.S. citizens, send a copy of this order to the embassy of your husband's/ intimate partner's home country and a copy to the U.S. Department of State to prevent the issuance of passports and visas for the children.
3. Give a copy of the order to the children's schools and tell the schools not to release the children to anyone but yourself.
4. Make sure that you have recent photos, passports and birth certificates for the children. Keep a list of addresses and phone numbers of your husband's/intimate partner's friends and relatives in his home country.



### **HOW CAN I SUPPORT MYSELF AND MY CHILDREN IF I LEAVE MY HUSBAND?**

The law requires that the father of your children support them, even if you are living apart, even if you were never married to him and without regard to immigration status. You should contact a family lawyer or a domestic violence advocate to find out how to obtain child support in your state. Some married women may also be eligible to receive spousal support or alimony.

Lawful permanent residents may use their "green cards" or resident alien cards to demonstrate their eligibility to work. Refugees and other immigrants must apply for authorization to work. An immigration attorney will be able to tell you whether you are eligible for work authorization. It is very important that you do not use false papers to work or make false claims of United States citizenship.



### **I AM A LEGAL PERMANENT RESIDENT. AM I ELIGIBLE TO RECEIVE WELFARE AND MEDICAID?**

Some legal permanent residents are eligible for Food Stamps, although most legal permanent residents will no longer be eligible after August 1997. Eligibility for Medicaid, Temporary Aid to Needy Families, and general assistance by legal permanent residents varies from state to state. Please consult an immigration or domestic violence advocate in your area.



### **I AM A REFUGEE. AM I ELIGIBLE TO RECEIVE WELFARE AND MEDICAID?**

In the first five years after they arrive in the United States, refugees are eligible for Food Stamps, Temporary Aid to Needy Families, Medicaid and other public benefit programs to the same extent as US citizens. Most refugees who have been in the United States for five years or more will no longer be eligible for Food Stamps. Eligibility for Medicaid, Temporary Aid to Needy Families, and general assistance by refugees who have been in the United States for five years or more varies from state to state. Please consult an immigration or domestic violence advocate in your area.



### **I AM UNDOCUMENTED. AM I ELIGIBLE TO RECEIVE WELFARE AND MEDICAID?**

If you are a battered undocumented woman whose husband has applied for legal permanent residency on your behalf or if you have applied for legal permanent residency under the Violence Against Women Act, you are eligible for the same benefits as a legal permanent resident. (See above.)

If you are not eligible to apply for legal permanent residency, you will be ineligible for most forms of welfare. However, you are still eligible for emergency Medicaid. Contact an immigration or domestic violence advocate to help you find "safe" hospitals that will not report your undocumented status. You are also eligible for services from community groups, such as food distribution by churches and assistance from domestic violence shelters.



### **ARE MY US CITIZEN CHILDREN ELIGIBLE FOR PUBLIC BENEFITS AND MEDICAID?**

YES. Even if you are undocumented, your US citizen children are eligible for public benefits just as other citizen children are. However, if you are undocumented, DO NOT reveal your immigration status when applying for benefits on behalf of your children, even if you are asked. The welfare office does not need to know what your status is in order to give benefits to your citizen children.



### **WILL I BE DEPORTED IF I TAKE ANY OF THE ABOVE ACTIONS?**

If you are now a U.S. citizen, lawful permanent resident or possess a valid visa, you cannot be deported unless you entered the United States on fraudulent documents, violated conditions of your visa or have committed certain crimes.

If you are undocumented or are unsure about your immigration status, you should seek the assistance of an immigration attorney to see if you can legalize your status. Until then, you should do what you need to do to make yourself safe. Even if your husband/intimate partner were to report you to the INS, deportation may not follow, would not be immediate, and, in most cases, you would have the opportunity to present your cases to a judge.



### **WILL MY HUSBAND/INTIMATE PARTNER BE DEPORTED IF I TAKE ACTION?**

Seeking assistance from shelters or lawyers is extremely unlikely to result in the deportation of your husband/intimate partner.

If you contact the police and your husband/intimate partner is convicted of a crime, he may be deported, depending on his immigration status and the seriousness of the crime.

It is important to remember that you must keep yourself and your children safe. It is your husband/intimate partner that has put himself at risk by his actions.



### **DO I NEED TO SEE AN IMMIGRATION ATTORNEY EVEN IF I CANNOT AFFORD ONE?**

Do not go to the INS without a lawyer or consulting with a lawyer. Your conversation with the attorney will be confidential and he or she cannot report you to the INS. If you cannot afford to pay an attorney, contact the nearest legal services office or call one of the immigration organizations listed in the referral section of this brochure.

