

If you or your children have been "battered or subjected to extreme cruelty" by your spouse, and he is a Lawful Permanent Resident or U.S. citizen, you may be eligible for relief under immigration law. The Violence Against Women Act (VAWA) may allow you and your children to "self-petition" for permanent residency and work permits without help from your abuser. Your self-petition is confidential. CIS (formerly INS) cannot discuss your case with your abuser, nor can CIS decide against you based only on information provided by your abuser. You may also be eligible for public assistance.

Who can self-petition under VAWA?

- * an abused spouse of a U.S. Citizen or Permanent Resident.
- * an abused child of a U.S. Citizen or Permanent Resident
- * the parent of a child who was abused and/or subjected to extreme emotional cruelty by a U.S. citizen or Permanent Resident parent, if the parents are married.

What if I have divorced the abuser?

You still might be able to self-petition if you were divorced less than 2 years ago. You should talk to an immigration attorney right away.

What if I am not married to my abuser? What if my abuser is also undocumented?

If you are a victim of a crime perpetrated by your partner or another party, you may also be eligible for a U visa. Your spouse does not have to be a U.S. Citizen or Lawful Permanent Resident in order to qualify for this visa. This visa may also help individuals who are not legally married to their intimate partner. This visa requires that you cooperate with law enforcement in its investigation of the crime against you. You should contact an attorney to see if you may be eligible for this visa.

What if I am being deported?

If you are in deportation or removal proceedings, you may be eligible for several forms of relief including "cancellation of removal". You should talk to an immigration attorney right away. Do not sign a paper agreeing to voluntary departure before you have talked to an attorney.

What if the abuser is deported?

You and your children still might be able to self-petition. You should talk to an immigration attorney right away.

What if my abuser is my parent?

Unmarried children under 21, abused by a parent who is a U.S. citizen or Permanent Resident, may apply for immigration status under VAWA.

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Can a man apply for residency under VAWA? Yes.

An abused husband has the same rights under VAWA.

Do I need an immigration attorney?

Probably-An immigration attorney will be able to determine if you can self-petition, and can help you with the application. Do not go to Citizenship and Immigration Services without first talking to an immigration attorney! Your conversation with this attorney will be confidential. He or she **cannot** report you to CIS (formerly INS) or Border Patrol. Many legal aid offices offer free or low-cost services. Some specialize in working with abused women.

LAKESHORE LEGAL AID
ST. CLAIR COUNTY OFFICE
803 Tenth Avenue, Ste. C
Port Huron, MI 48060
(810) 985-5107

CENTRAL INTAKE
TOLL FREE: 1-888-783-8190

You have the right to be free from violence in your home.

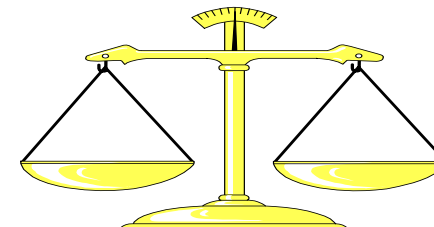
**AND
ANSWERS**

**ABOUT DOMESTIC VIOLENCE
FOR UNDOCUMENTED IMMIGRANT
WOMEN, MEN AND
CHILDREN**

Has your abuser threatened to have you or your children deported if you call for help or report the abuse to the police?

This brochure will tell you how you can take steps to be safe from violence and possibly obtain legal residency and work authorization.

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QUESTIONS

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What is domestic violence?

"Domestic Violence" is violence that typically occurs at home between people who:

- * are currently, or have been, married
- * are currently in, or have been in a significant relationship
- * currently live, or have lived, together or are related by blood.

Although the violence is often in the form of physical injury, it may also be in the form of threats, isolation, emotional mistreatment, verbal abuse, or forced sex.

If you are experiencing domestic violence in your home, you are not alone. Although domestic violence is usually hidden, it is very common and probably affects many people you know.

What can I do?

There are many services available to help you to stop violence in your home: shelters, hospitals, police, legal services, and community services.

Should I call the police?

If you are in immediate danger, get out and get help. If you are in danger but cannot leave, call 911. The police will escort you and your children to a safe place if you want to leave.

Be advised that domestic violence is a crime. The police must arrest your abuser if they believe a crime has been committed. If the police arrest your abuser, they will probably check his/her immigration status. If your abuser is undocumented, s/he could be turned over to the INS and ultimately be deported.

Generally, the police do not check the immigration status of a victim. If the police improperly ask you your status, by law, you do not have to tell them. The police officer's job is to protect you and your children from harm, not to check your immigration status. If you speak to the police, ask them to make a report. It is good to get the name and badge number of any officer you speak with. If the police officer does not speak your language, find someone other than your child or abuser to interpret for you. Police officers should have

Yes-if you are not safe, leave now. You do not have to be documented to get a divorce or to ask for legal custody of your children. But, because a divorce may

access to language lines if you cannot find someone. Never allow the police officer to use "Border Patrol" to translate for you.

Should I leave my home if I am in danger?

Yes. Go to a friend's house or an abused women's shelter. Shelters are usually free and the advocates there will help you decide what to do next. They will also have information about community services that can help you. Keep your location secret.

What if I think I may need to leave in the future?

Have a plan for leaving. Prepare a small bag with your important papers in it (or at least copies of such papers). Hide this bag in a safe place (perhaps with a friend) where you can get to it quickly.

What should I take with me?

Make every effort to take your children with you. It is also helpful if you can bring important documents and information with you, such as:

- | | |
|---|--|
| * Driver's license | * Marriage license |
| * Leases and deed information for your apartment, house, and car | * Checking and banking information |
| * Birth certificates for yourself, and your children | * Recent pay stubs (yours and the abuser's) |
| * Medical and police reports | * Public assistance documents |
| * Social security cards, visas, green cards or immigration papers, and passports for you and your children | * Name, phone number, and address of anyone who has seen, or to whom you spoke about, your abuser's violence |
| * Copies of your abuser's green card or immigration card, social security card, passport, and birth certificate | * Clothing or other items damaged by your abuser's violence |
| * Photos of any injuries or property damage caused by your abuser | |

I have heard of Personal Protection Orders. What do they do?

affect other rights, do not get a divorce without first talking to an immigration attorney.

A Personal Protection Order (PPO) can prohibit the abuser from calling, contacting, or assaulting you, your children, or other family members. You may be able to use a PPO to have your abuser removed from your home.

You do not have to be a U.S. citizen or Lawful Permanent Resident to get a protection order. If you are asked for information on your immigration status when you file for a PPO, do not answer these questions.

Contact an attorney or court advocate to accompany you when you re-file for a PPO.

How will I support myself and my children if I leave home?

New laws have created ways that abused immigrants and their children can qualify for legal and public assistance and even get work authorization. You may also be eligible to file for economic support from your spouse.

An advocate can help you find safe housing and emergency food. Some can even help you apply for public assistance or find a job. An advocate can help with your other needs by putting you in contact with providers of legal, social, or medical services.

What if I am a lawful resident or refugee?

If you are a Lawful Permanent Resident or a Refugee/Asylee, your immigration status should not be affected by leaving or divorcing your abuser. You have legal status: your abuser does not have the power to have you deported. It is a good idea to keep documents that show your marriage was legal and not for immigration purposes (Marriage certificate, letters, photos, etc.).

What if I have Conditional Residency?

You are a Conditional Resident if your Resident Card expires 2 years after you receive it. If your U.S. Citizen spouse will not help remove the conditions on your residency, you may be able to seek a waiver. Talk to an immigration attorney right away.

I am undocumented. Can I leave my husband and get a divorce without being deported?

What if my children or I am undocumented? Can we obtain legal residency and work authorization?