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Domestic Violence Initiative

Immigration Legal Resources for Survivors of DV

Agenda



- Introduction to who we are
- Services provided by HIAS PA to victims of Domestic Violence, Sexual Assault & Trafficking
- Immigration law essentials
- VAWA Self-Petitions, Us, and Ts
- Other forms of relief for victims of crime
- What Can You Do To Support Survivors?
- Q&A



HIAS Pennsylvania supports low-income immigrants of all backgrounds as they build new lives in our Greater Philadelphia community.



3,200

Clients a year

130

Different countries

Immigration Legal Services

- ❖ Asylee outreach
- ❖ Citizenship and family unification
- ❖ Children and youth
- ❖ Survivors of crime
- ❖ Survivors of torture
- ❖ Survivors of domestic violence
- ❖ Deportation defense



Social Services

- ❖ Refugee resettlement
- ❖ Education
- ❖ Immigrant Wellness
- ❖ Employment
- ❖ Health



HIAS PA Domestic Violence Initiative

- **WHO DO WE SERVE?**

- Immigrant Survivors of Domestic Violence, Sexual Assault and Trafficking who:
 - Do not have permanent immigration status
 - Live in Philadelphia and surrounding counties
 - Are low income

- **WHAT SERVICES DO WE PROVIDE?**

- Immigration legal services
- Limited social services



Immigration Law Essentials

Immigration Categories





Paths to Legal Status for Survivors of Crime

Options

- Self-Petitions under the Violence Against Women Act (VAWA)
- Removal of Conditions on Green Card based on abuse
- U visa
- T visa
- Other immigration relief related to abuse

Violence Against Women Act (VAWA) Self-Petition

- **OVERVIEW**

- Special visa for immigrants who are abused by certain U.S. citizen and permanent resident spouses and family members
- An immigrant victim can petition for a green card themselves. Their abuser does not have to know.

Who Qualifies for a VAWA Self-Petition

- **WHO QUALIFIES AS A SELF-PETITIONER?**

- Abused spouse of a USC or LPR
- Abused child of USC or LPR
- Non abused spouse of a USC or LPR whose child is abused by USC or GCH
- Abused parent of a USC son or daughter.

- **WHO QUALIFIES AS A DERIVATIVE?**

- Unmarried children under 21 of an abused spouse are automatically included in the application to get status.

****The self-petition may be filed by male victims of abuse; marriage may be hetero- or homosexual.*

Benefits of VAWA Self-Petition

- **BENEFITS**

- Self-petitioner and children eligible for:
 - Deferred action: Government won't try to deport
 - Permission to work legally in the U.S.
 - May be able to apply for Green Card right away

What Documents Do You Need For VAWA Self-Petition?

IMMIGRANT VICTIM MUST PROVE:

1. Legal relationship with USC or green card holder;
2. In spousal cases, good faith marriage (not JUST for immigration purposes);
3. That they lived with the abuser at some point;
4. Battery (physical abuse) or extreme cruelty; AND
5. Good moral character

VAWA Battered Spouse Waiver

- **OVERVIEW**

- Available to immigrant survivors of abuse who already have a green card BUT the green card is "conditional" (valid for only two years) because they had been married < 2 years at the time it was approved.
- Can apply to remove conditions and obtain lawful permanent residency without abusers knowledge and participation through a battered spouse waiver.

VAWA Battered Spouse Waiver

- **IMMIGRANT VICTIM MUST PROVE:**
 1. Good faith marriage
 2. Battery (physical abuse) or extreme cruelty
- **DEADLINES**
 - Can file before, during or after 90-day period before expiration of conditional residency

U Visa

- **PURPOSE:**
 - Created to encourage undocumented immigrants to report crimes and cooperate with law enforcement to help keep our communities safe

U visa

- **BENEFITS:**

- Employment Authorization for Bona Fide applications (while case is pending - Can take around 4-5 years)
- A four-year nonimmigrant status once petition approved with path to legal permanent resident status (**10+ year process**)
- Some family members can get status too (children <21, spouses, parents and siblings if victim <21)

U visa

- **REQUIREMENTS:**

1. That they are a **victim** of a “**qualifying criminal activity**”
2. That they have information about the crime
3. That they have been **helpful**, are being helpful or are willing to be helpful in investigation and/or prosecution of crime
 - **MUST BE** *certified by law enforcement agency or other agency with investigative authority*
4. That the crime occurred **in the U.S.**
5. That they have suffered “**substantial physical or mental abuse**” as a result of the crime

U visa

- **WHO IS A VICTIM?**

- Direct Victim
- Bystander who suffers unusually direct injury
- Indirect victim
 - Certain family members of the direct victim if they are deceased due to murder or manslaughter or incapacitated

U Visa

- **WHICH CRIMES “QUALIFY”?**

- Abusive Sexual Contact

- Domestic Violence

- Felonious Assault

- Kidnapping

- Manslaughter

- Murder

- Rape

- Sexual Assault

- Torture

- Other related crimes

****Full list can be found at 8 USC sec. 1101 (a)(15)(U)***

U Visa

- **WHAT DOES IT MEAN TO BE HELPFUL TO LAW ENFORCEMENT?**
 - Must cooperate, but an arrest, prosecution, or conviction of the perpetrator is not required
 - Victim cannot refuse to provide reasonable requested assistance
 - Ongoing responsibility to cooperate
 - Certifying official can withdraw

T visa

- **ELIGIBILITY REQUIREMENTS**

1. Victim of a **Severe Form of Trafficking** in Persons, i.e. Sex or Labor Trafficking
2. **Physically Present** in the U.S. on “Account of” trafficking
3. Has Helped With **Any Reasonable Request** for Help in an Investigation or Prosecution of trafficking (if over 18)
 - Law Enforcement Certification not required
4. Would Suffer **Extreme Hardship Upon Removal** Involving Unusual and Severe Harm

Benefits of T

- **Benefits**

- Similar to U – 4 years of T nonimmigrant status with employment authorization
- Shorter processing times and no visa backlog
- Eligible for “refugee” benefits
- Can apply for green card after 3 years of continuous presence OR once underlying investigation/prosecution completed, whichever is first
 - Advance Parole available for travel during T period.

Other Forms of Relief

- VAWA Cancellation of Removal
- Asylum
- Special Immigrant Juvenile Status

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What Can You Do To Support Survivors?

Support

- Talk to survivors
- Help them on their timeline
- Refer survivors to HIAS PA
- Write letters of support

How to Refer a Case to HIAS PA

- **If DV-related immigration issue:**
 - Call or email me!
 - **Iduiker@hiaspa.org; 215-832-0937 (direct)**
 - Referral should include: client name, phone number, whether it is safe to leave a voicemail, preferred language, and short synopsis (including and relevant deadlines, if known!)
- **If non-DV-related immigration issue:**
 - Call HIAS PA general office number, live intake (215-832-0900): Wed (9:30-12:30PM) & Thurs (2:00-4:30)



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