

Governor's  
Office for Children, Youth &  
Families

**Division for Women**

# Southern Arizona Battered Immigrant Women's Project

## Mission

*Safety and empowerment  
for immigrant women and children  
victims of sexual  
and domestic violence*

# Extent of the Problem

- Every 34 minutes a child witnesses a domestic violence incident in Arizona,  
*Governor's Commission for Prevention of Family Violence, 2001*
- 1 in 3 women will be a victim of domestic violence in her lifetime
- 1 in 5 women will experience an attempted or completed sexual assault  
*(National Victimization Survey, 2003)*

# Definitions

## Domestic Violence

"A pattern of coercive control that one person exercises over another in order to dominate and get their way."

*When Love Goes Wrong, by Ann Jones & Susan Schechter*

## Sexual Violence

Unwanted sexual contact. Encompasses the crimes of sexual assault, rape, marital rape, sexual abuse, child sexual abuse, and sexual harassment.

# Power and Control Tactics

- Emotional abuse
- Economic abuse
- Sexual abuse
- Using children
- Threats
- Intimidation
- Isolation
- Physical abuse

# Barriers Faced by Victims of Domestic Violence

- Societal taboos
- Economic Barriers
- Lack of services for victims
- Fear of retaliation
- Transportation
- Few Resources in Rural Areas

# Additional Barriers Faced by Immigrant Crime Victims

- Lack of knowledge and/or misinformation about the legal system in the U.S.
- Fear and mistrust of the police and judicial system
- Fear of deportation – threats by abuser
- Language, cultural and religious barriers

# Additional Barriers Faced by Immigrant Crime Victims

- Social isolation – lack of support, no family or friends in US, no one who speaks her/his language
- Lack of options – alternative housing, limited skills, economic dependence on abuser
- Fear of losing custody of children



# Federal Legislation

## Violence Against Women Act 1994

- Federal recognition of crimes of domestic violence, sexual violence and stalking
- Funds services for criminal justice reform and victim safety
- Self-petition for battered spouses and children

# Violence Against Women Act 2000 and 2005

- Expanded access to self-petitioning for abused immigrant spouses and children; VAWA 2005 added abused parents
- Created U visas for victims of certain crimes
- Created T visas for victims of human trafficking

# Immigrating to the US through a Family Petition

- U.S. citizen (USC) or lawful permanent resident (LPR) sponsors immigrant spouse/child by filing I-130 petition
- No employment authorization and no right to live in U.S. until immigrant files I-485 (green card) application
- Spouse/child of LPR must wait 6-8 years to file the I-485 application
- USC or LPR sponsor may withdraw I-130 at any time, which cancels I-485 and terminates the immigration process

# Relative petition vs. VAWA

## Relative Petition

- USC or LPR sponsor files I-130
  - Immigrant files I-485
- If sponsor = USC, file I-130 and I-485 at the same time  
If sponsor = LPR, may wait 6-8 years to file I-485
- No work permit until immigrant files I-485
  - I-485 interview requires sponsor's presence
  - USC or LPR Sponsor can withdraw I-130 at any time, which cancels immigration process

## VAWA Self-petition

- Abused immigrant files I-360 self-petition
  - Abused immigrant files I-485
- If abuser = USC, file I-360 and I-485 at the same time  
If abuser = LPR, may wait 6-8 years to file I-485
- Work permit and deferred action upon approval of I-360
  - Abused immigrant goes to I-485 interview by him/herself
  - USC or LPR relative has no control over immigration process

# Who Qualifies to File a Self-Petition under VAWA?

- Abused parents, spouses and children under 21 of U.S. citizens (USCs)
- Abused parents, spouses and children under 21 of lawful permanent residents (LPRs)
- Parent of a child abused by a USC or LPR
- Self-petitioner may include children under 21 as derivatives

# Self-Petition Requirements

- Legal marriage
- Married in good faith (not just for a green card)
- Resided together at some time
- Abuse during marriage
- Good moral character

# Benefits of an Approved Self-petition

- Employment authorization
- Deferred action status (limited protection from deportation)
- Possible eligibility for public benefits
- Ability to apply for LPR status (green card)

# U Visa Interim Relief

## Requirements:

- Immigrant has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity
- Immigrant (or if under 16, the parent, guardian, or next friend) possesses information concerning criminal activity
- Immigrant has been helpful, is being helpful or is likely to be helpful to authorities investigating or prosecuting criminal activity
- Law enforcement certification letter



# U visa Listed Crimes

- Rape
- Torture
- Trafficking
- Incest
- Domestic violence
- Sexual assault
- Abusive sexual contact
- Prostitution
- Sexual exploitation
- FGM
- Being held hostage
- Peonage
- Involuntary servitude
- Slave trade
- Kidnapping
- Abduction
- Unlawful criminal restraint
- False imprisonment
- Blackmail
- Extortion
- Manslaughter
- Murder
- Felonious assault
- Witness tampering
- Obstruction of justice
- Perjury
- Attempt, conspiracy or solicitation of any listed crime

# Law Enforcement Certification Letter

- May be signed by any law enforcement official responsible for investigation or prosecution of the crime
- No specified form, but should include:
  - official's name and title
  - immigrant victim's name
  - specific crime of which the immigrant was a victim
  - that the immigrant has information about the crime
  - that the immigrant has been helpful, is being helpful or is likely to be helpful in investigation or prosecution of the crime

# Benefits of an approved U visa

- Employment authorization
- Deferred action status
- May include derivatives
- Ability to apply for LPR status (green card)

# Contact with Immigrant Crime Victims

- Do not assume the victim is undocumented
- Do not ask for immigration status or for documentation
- Do not call ICE or Border Patrol, or use them for translation
- Do not use suspected abuser or other family members as translators
- Link victim with a victim's service agency

U.S. Department Of Justice

**Rural Domestic Violence and  
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