

Domestic Violence and Immigration

An abused woman does not need to be a US citizen or legal resident to get a protection from abuse order. However, many immigrant or refugee women hurt by domestic violence don't get help because they fear immigration officers.

It is not just undocumented women who are scared. It affects women who do not know their legal rights. They worry that they can't get permanent residency without their husband's help.

A federal law called the Violence Against Women Act (VAWA) creates two ways for women married to US citizens or permanent residents to get residency.

The first option allows an abused immigrant woman to apply for her own and her children's residency without the help of her abusive husband. He plays no role in the process. He does not have to know the petition has been filed.

The law is complicated. Ask for help from a domestic violence program before going to the Immigration and Naturalization Service (INS).

The second option is called "cancellation of removal." This choice is only open when a woman is in or can be placed into deportation proceedings. If a woman is eligible for this option, the court may stop the proceedings and grant residency.

If someone can't get help under VAWA, there may be other ways to get immigration status such as a new visa that has been created for crime victims.

The laws are confusing. It is important to reach out for help. Talk to a domestic violence program.

If you or someone you know needs help, call:

National Domestic Violence Hotline

1-800-799-7233 (SAFE)

1-800-787-3224 (TTY for the Deaf)

or visit: www.ndvh.org

Help is available 24 hours a day in English and Spanish and many other languages. All contact with the hotline is free and confidential.