

Things you must try to do:

- Keep police, doctor and other records of the abuse.
- Keep all your immigration documents, including a copy of your spouse's immigration documents.
- Keep a copy of any documents that establish residence with your spouse (bank statements, rental agreements, children's school records, etc.)
- Keep copies of documents establishing that you live in the United States.
- Keep copies of important legal documents (Marriage license, prior divorce certificates, birth certificates, etc.)
- Do not submit an immigration application on your own without first speaking to a lawyer or immigration organization.
- Do not work with "notarios."

If you are an immigrant victim of domestic violence and need legal assistance relating to immigration call:

Catholic Charities of Idaho at 1-800-796-4131 or go to www.catholiccharitiesinfo.org/states/ and search for the contact information in your state. (Note: You do not have to be Catholic to receive their assistance.)

If you are a victim of domestic violence call:

National Domestic Violence Hotline
1-800-799-SAFE (7233)
1-800-787-3224 (TTY – for hearing impaired)
Interpreters are available in many languages. Calls cost nothing.
Call anytime.

911 Police or Medical Emergency
Call the police if you think you or your children are in danger. If the police ask about your immigration status or where you were born, you do not have to answer. The emergency room in any public hospital must give you emergency medical care, even if you are undocumented or do not have insurance.

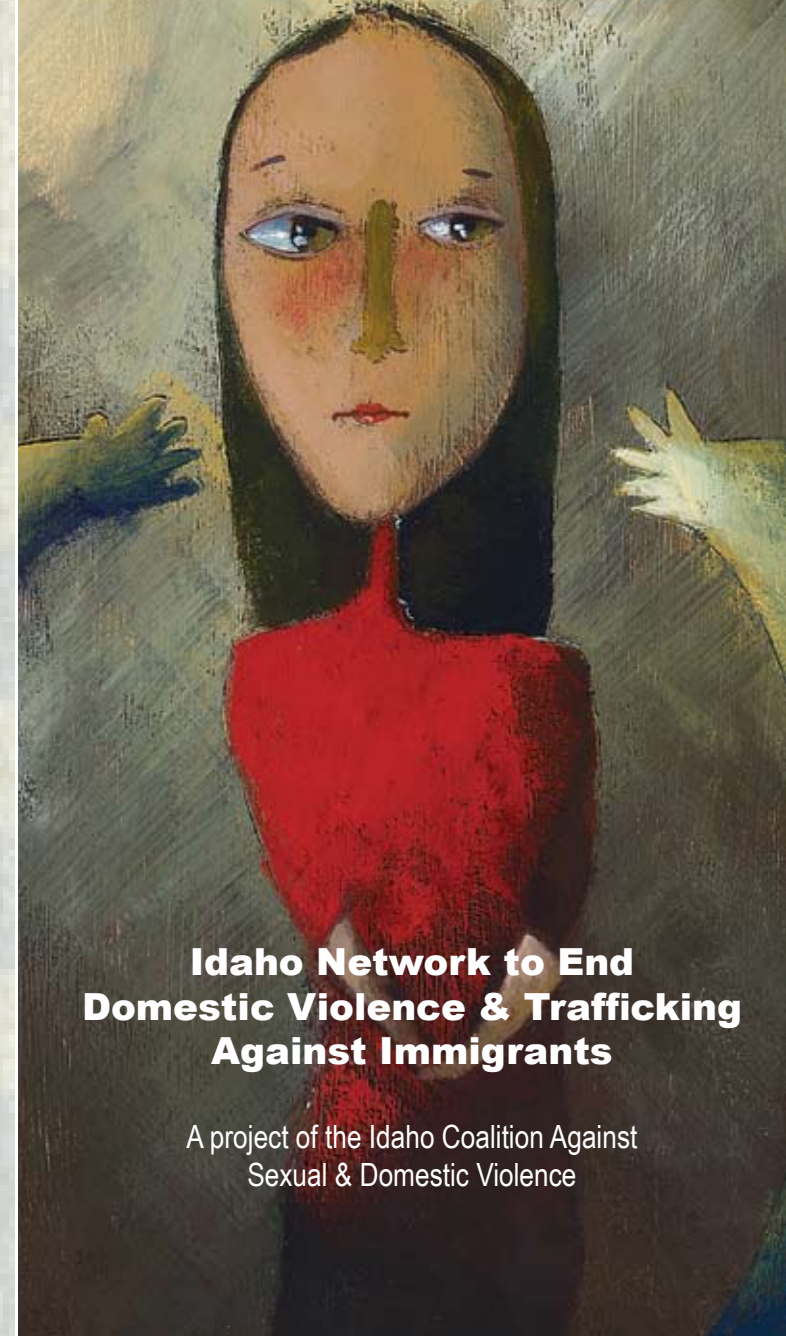
2-1-1 Idaho CareLine – To access non-emergency information on local community domestic violence and/or immigration resources in your area.

Your Local Domestic Violence Program:

Brochure developed by the Idaho Network to End Domestic Violence & Trafficking Against Immigrants. For more information on the Network or to order more free brochures, contact the Idaho Coalition Against Sexual & Domestic Violence at 1-888-293-6118.

Immigrant Victims of Domestic Violence

*VAWA Self-Petition Process for
for Permanent Residency*



**Idaho Network to End
Domestic Violence & Trafficking
Against Immigrants**

A project of the Idaho Coalition Against
Sexual & Domestic Violence

What is domestic violence?

If you are experiencing emotional abuse or physical violence in your home, then you are not alone. Domestic violence will often get worse with time. It does not go away on its own. It is important to remember that the violence is not your fault. Every person can get help to prevent domestic violence even if they do not have legal permission from the U.S. Citizenship and Immigration Services (formerly "INS") to be in the United States.

Is your spouse abusive?

Does your spouse:

- Threaten to beat you or your children?
- Hit, punch, slap, kick, push or hurt you or your children in any way?
- Emotionally abuse you, such as insult you or your children at home or in public?
- Force you to have sex when you do not want to?
- Use your immigration status to control you or threaten to use your immigration status to take your children from you?
- Control where you go, what you do and who you see?

If you answered "yes" to any of these questions, you are experiencing abuse and you may be able to receive a green card and permission to work and live in the United States *without* your abusive spouse's help.

How can I apply for a green card if I am an abuse victim and my spouse refuses to help me?

The Violence Against Women's Act (VAWA) allows abuse victims and their children to apply for green cards without the consent nor participation of the spouse. This is called a VAWA self-petition. Your spouse does not even have to know you are filing a VAWA self-petition. Both women and men can be eligible to file a VAWA self-petition.

You may be eligible for permanent residency under VAWA if:

- You are married to a US citizen or Lawful Permanent Resident (LPR) (If you were divorced in the last two years, you may still qualify);
- You have lived with your spouse at some time;
- You married your spouse in "good faith," meaning that you didn't get married only to get immigration papers;
- You have not been convicted of certain serious crimes;
- You or your child has been abused by your spouse. The abuse could be emotional and/or physical.

How can I file a VAWA self-petition?

Always consult with an immigration attorney or domestic violence or a BIA Accredited immigration organization to determine whether you are eligible to file a VAWA self-petition. Do not work with "notarios."

What if I already have my conditional residence?

If your spouse refuses to file the "joint petition" (Form I-751) to remove your conditional residency status to make it permanent, the Violence Against Women Act may also benefit you because it contains provisions that allow for you to file the I-751 on your own if physical or emotional abuse occurred during your marriage. You do not need to stay in an abusive marriage while awaiting the two years before you can remove the conditions from your residency.

What can I do if I am not married to a US citizen or LPR?

You should speak with an immigration lawyer or immigration organization such as Catholic Charities to discuss other ways that you may be able to apply for a green card, including seeking gender-based asylum or applying for a U visa. Your immigration status should not discourage you from seeking help from the police and prosecutors.