

**IMMIGRATION RIGHTS
for
VICTIMS
of
DOMESTIC VIOLENCE**

IF:

You are being abused by your U.S. Citizen or Lawful Permanent Resident (“green card”) Spouse or Parent

OR:

Your child is being abused by his or her U.S. citizen or Lawful Permanent Resident (“green card”) Parent

AND:

You are undocumented or without legal Immigration status

There are immigration laws which can help you escape violence and get legal immigration status

If these immigration laws apply to you, you can get legal status **WITHOUT** help from your battering spouse or parent

**WHAT DO I HAVE TO SHOW TO
PETITION FOR MYSELF?**

To self-petition successfully for legal status under the immigration laws for battered spouses and children, you have to show all of the following:

1. That you have been battered or suffered severe emotional abuse by your U.S. Citizen or Lawful Permanent Resident spouse or parent; or

That your child suffered battering or abuse by his or her U.S. Citizen or Lawful Permanent Resident parent;

2. That you married your spouse in good faith, not to get immigration papers;

3. That you lived with your spouse in the U.S. You do not need to be living with your spouse when you file your papers; and you may file even if you are divorced, if you file with two years of the divorce.

4. That you are a person of “good moral character.”

Examples of “good moral character” are listed in the Evidence section of this brochure.

**WHAT IF I AM IN DEPORTATION OR
REMOVAL PROCEEDINGS?**

You can self-petition or apply for “cancellation of removal.” You can be granted cancellation of removal even if you are divorced from your battering spouse when you apply. To qualify for cancellation of removal, you have to show:

1. You must show the same things you need to show for the self-petition, and

2. That you have been in the United States for at least three continuous years.

**WHAT IF MY BATTERING SPOUSE IS
NOT A U.S. CITIZEN, OR IF I WAS
NEVER MARRIED TO MY BATTERER?**

There may be other ways for you to get legal status. You should call a legal services office or an attorney.

**WHAT IF I HAVE A CONDITIONAL
OR TEMPORARY GREEN CARD?**

You **MUST** file a waiver of the joint petition. Call to discuss your situation

**WHAT IF I HAVE A CONDITIONAL
OR TEMPORARY GREEN CARD?**

Call to discuss your situation. If your temporary need for help was due to abuse, it may not be a problem.

WHAT KIND OF EVIDENCE WILL I NEED?

Collecting the evidence you will need can be complicated, but you should try to get as much as possible of the following:

- ◆ Your marriage certificate.
- ◆ Evidence that you and the batterer lived together as a married couple, such as birth certificates of children, bills, leases, family photos, tax returns, etc.
- ◆ Proof of the abuse such as restraining or civil protection orders, police reports, medical records, criminal records of the batterer, a letter from a battered women's program, counseling records, photographs of injuries or bruises, affidavits of the witnesses describing the abuse.
- ◆ Evidence of "good moral character" such as proof that you have no criminal record, a letter from your religious institution, or evidence of community involvement.
- ◆ You **MUST** provide a written affidavit describing the history of your relationship with the batterer.

WHAT NOT TO DO

YOU SHOULD NOT go to the Citizenship & Immigration Services (CIS - formerly the INS), alone, even to ask for information. If you receive a notice to go to CIS for an interview or a hearing, speak to an advocate or attorney immediately.

YOU SHOULD NOT, under any circumstances, file any papers at the CIS without first discussing your case with an advocate or attorney.

YOU SHOULD NOT get divorced until you have spoken to an immigration attorney. If you or your spouse have already started divorce proceedings, call immediately.

YOU SHOULD NOT keep your documents where your battered may find them.

WHAT TO DO

YOU SHOULD get help from a battered women's program or legal services. They can help you figure out your options.

YOU SHOULD find any & all documents that will support your case.

IF YOU ARE IN NEED OF SUPPORT, RESOURCES, AND A SAFE PLACE FOR YOURSELF & YOUR CHILDREN:

Call SafeLink
a 24-hour Satewide Hotline at
1-877-785-2020

*(Safelink is a project of Boston's
Casa Myrna Vasquez, Inc.)*

IF YOU ARE A BATTERED IMMIGRANT WOMAN OR CHILD WHO DOES NOT HAVE A GREEN CARD OR WHO HAS A CONDITIONAL OR TEMPORARY GREEN CARD:

Call the Battered Immigrant
Women's Project at:

Community Legal Services And
Counseling Center (CLSACC)
(617) 661-1010

Greater Boston Legal Services
(617) 371-1234

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Community Legal Services And Counseling Center
One West Street, Cambridge, MA 02139