



TOP TEN THINGS DOMESTIC VIOLENCE/SEXUAL ASSAULT ADVOCATES SHOULD KNOW ABOUT IMMIGRANT SURVIVORS



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It is an unfortunate reality that immigrants are uniquely vulnerable to gender-based violence in the U.S., and recovering from that violence can be uniquely challenging for them. This list aims to inform advocates about key concepts and barriers impacting immigrant survivors, and provide resources to help overcome them.

1. Immigrant survivors have many different immigration statuses, with different rights and eligibility requirements. They may be a naturalized citizen, lawful permanent resident ("LPR" or "green card holder"), asylee, visa-holder (like a visitor, student, or temporary worker), or undocumented (i.e, without lawful immigration status). You need to know a survivor's status early in your relationship to know [how urgent it is that they find an immigration lawyer](#), as well as their eligibility for [public benefits](#), lawful employment,¹ or a [Social Security number](#). Each status has strict eligibility requirements, like certain family relationships or absence of serious criminal history,² so not every status is available to every survivor. Some people may not be eligible for any status at all.

2. Immigrant survivors can apply for special statuses or protections. There is a special "green card" for people abused by a lawful permanent resident or U.S. citizen relative (called VAWA status), a special mechanism for turning a 2-year green card into a 10-year green card if the immigrant was abused by their spouse (called a VAWA waiver of conditions on residency), and a special 4-year visa for survivors of crime (U visa) or human trafficking (T visa). Under President Biden, ICE also has a policy to de-prioritize deportation of survivors. Refer your immigrant client to a lawyer to help them pursue one of these options in connection with a plan to help them heal holistically and gain independence and security. See Items 5 and 7 below!



3. An immigrant survivor's life circumstances may impact their status or make legal help especially urgent. These include planning to travel internationally, being arrested by police or ICE (immigration police); being notified to attend court of any kind; facing expiration of immigration status within 6 months; planning to marry or divorce; or being notified to ["check in" with ICE](#) or another immigration office.

¹ Employers face consequences for hiring undocumented workers but immigrants generally cannot be deported for unauthorized work, unless they present a false document to get the job. An undocumented immigrant may also be [lawfully self-employed](#) if they follow all applicable laws like paying taxes using an [ITIN](#) (help them seek one!). A valid work permit or green card is the easiest way to prove work eligibility, but citizens, LPRs, asylees, and U or T visa holders may be work-eligible without having an actual card.

² Not every arrest or conviction impacts immigration status, but some can trigger deportation proceedings to be opened against your client. Refer criminalized survivors to an immigration lawyer immediately.

4. **Many immigrant survivors are unaware of their rights and legal protections.** Abusers and criminals can easily leverage this, along with their fear of deportation, as depicted in this "[Immigrant Power and Control Wheel](#)." Survivors who don't speak English may be especially isolated and vulnerable. Reduce this vulnerability by finding them an interpretation app and a lawyer to explain their rights. (Item 7 below)



5. **Some immigrant survivors can only gain status if they prove they were victimized. An advocate can help obtain proof and minimize retraumatization.** Knowing a client's immigration status early means you can help gather contemporaneous evidence of victimization, the strongest type of evidence. You can (a) accompany the survivor to request a restraining order or report a crime to police—and ask for a copy of the record[s] created, (b) take photos of any injuries or take them for treatment and request copies of medical records, (c) write a letter declaring your knowledge of the incident and its impact, and/or (d) connect them to therapy and ask for records/a letter from the therapist. Later, when the survivor applies for status, they often must write a detailed letter or testify in court about what happened, which can be difficult. You can help by ensuring they know [grounding exercises](#) and have supports or therapy appointments in place for the big day(s). If your client has a lawyer, discuss the survivor's needs with them and ensure they know relevant [trauma-informed techniques](#). Using releases to protect confidentiality, consider attending legal meetings or court as a support person. Let the survivor decide the extent of your involvement.

6. **Survivors with immigration court dates must attend or will be deported in their absence.** Find out if a client has a [court date](#) by reviewing their [paperwork](#). Look for a document titled "[Notice to Appear](#)" or "[Notice of Hearing in Removal Proceedings](#)." On these, or any other immigration papers, find a 9-digit number preceded by the letter "A," such as "A321 654 987." Enter it [here](#) to learn their next court date. Court is not the same as an "[ICE check-in](#)," but if your client has a "[check-in](#)," you should help them [attend or reschedule that](#), too, or ICE may detain them.
7. **Survivors with lawyers are more likely to win any type of immigration case,** so [help your client find a lawyer](#)!³ If your client has immigration court, some localities offer [universal representation](#) (like a public defender), so see if such a program or a free referral service is available where they live. If one is not, or if the client does not have a court case, [try a nonprofit](#), which may take a case for free or a low rate and might give preference to cases referred by a trusted advocate like you. If an organization is closed for intakes on the first call, keep calling. Remember your client must still attend court, even if they have not yet found a lawyer.⁴

³ Advocates with organizations funded by the Office on Violence Against Women (OVW) may be eligible to [join the ASISTA Experts listserv](#), where they can ask for local lawyer recommendations. Advocates should never endorse reliance on a "notario" or unaccredited community member for legal advice.

⁴ You can help them prepare for court by gathering proof that they attended intakes or attorney consultations, if needed to prove they need more time to hire someone, but are trying. You may also attend court with them to offer support, although you may not represent them before an immigration judge. The judge will identify defenses your client may have and explain next steps, and you can take notes to share with a lawyer later. The court will usually allow a lawyer to join the case later.

8. For immigrant survivors, the wrong help can hurt! Some people without legal training prey on immigrants' unfamiliarity with U.S. law to [scam immigrants](#) with poor quality "assistance." At the same time, DVSA advocates who want to help but stray into giving [legal advice](#) also risk [discipline or lawsuit](#) by an attorney general or client. Worst of all, both types of untrained "help" recklessly risk the survivor's entire case, livelihood, and even life. Immigration officials can be less forgiving of mistakes than family or criminal court judges. They may [deny cases](#) where clients got inaccurate assistance from an advocate, and punish incorrect form answers as "misrepresentations." This can lead to deportation to a dangerous country or permanent family separation. You can help by ensuring that legal advice comes only from lawyers.⁵

9. Immigrant survivors need advocates! Advocates can set up survivors for success by navigating U.S. systems with them. Help gather [needed documents](#) and get them translated.⁶ Tell them [what to expect when consulting an immigration lawyer](#) and help with tasks the lawyer assigns. Go with them to civil or public benefits offices where language or cultural barriers may prevent them from asserting their rights. If an employer or official misunderstands their rights, contact the [DOJ's Immigrant & Employee Rights hotline](#) for help. After filing an application, help your client [check the status](#) and [average form processing times](#) for peace of mind, though remind them each case is different. When safety planning for survivors with kids, plan for the parent being detained by ICE and remind them of their rights (Item 10 below).

10. Immigrant survivors have certain rights regardless of immigration status, including constitutional rights if accused of a crime, like the rights to remain silent, have an attorney, and be free from warrantless searches. All also have the right to life-saving medical and mental health treatment; police protection; freedom from workplace discrimination; emergency shelter; a public-school education (if under 18); travel in the US; and, if they can afford it, property ownership. In addition, immigration officials must obey constitutional and agency requirements regarding arrests and confidentiality, and you can print free ["red cards"](#) that remind your client and ICE of this. Your organization should also [create a plan](#) for if ICE seeks to detain or gain information on a client. Though you should first ask an immigration lawyer for the most updated information,⁷ you can likely tell clients about certain ["protected areas"](#) where ICE policy forbids arrests except in rare, extreme public safety circumstances. Reassure them that immigration applications based on surviving crime or abuse are [especially confidential](#), an abuser will not be alerted of their filing,



⁵ Advocates at OVW-funded organizations may be eligible to [join ASISTA and ask questions to its expert attorneys](#) through the technical assistance portal.

⁶ Translations by any competent speaker are valid for immigration: no certified translator needed. A bilingual advocate can even be the translator! Just fill out a [certificate of translation](#) for each document.

⁷ Once you establish a relationship with an immigration lawyer for one client, you may be able to ask them for help on other questions. You can start a search for attorneys at the [Immigration Advocates Network](#). Many lawyers do virtual or telephone consultations, expanding the pool of lawyers beyond the immediate area. As footnote 5 states above, OVW-funded advocates may be able to [consult ASISTA attorneys, too](#).

RESOURCES

Immigration Advocates Network, [National Immigration legal Services Directory](#) (for finding a nonprofit attorney)

Asian Pacific Institute on Gender-Based Violence, [Resources for helping immigrant survivors](#) and [Form to request language access training and technical assistance](#)

[Tarjimly](#) App (on-demand phone app with free and paid versions) and

[Respond: Crisis Translation](#) (request interpreter online for each conversation or document, with free and paid services)

DOJ, [Sample certificate of translation](#) for translations to be used in immigration court or benefits applications

ACLU, [“Know Your Rights” Explanation](#)

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