Chapter Sixteen

WORKING WITH IMMIGRANT CRIME VICTIMS

You may be an immigrant woman needing assistance in determining your options and finding an immigration attorney to assist you with your immigration status, questions regarding child custody, divorce, and the protective order process in domestic violence situations. This chapter has important resources for you in Alaska.

Who are immigrant women?

Immigrant women are a diverse group, and include women who have lived in the United States for one month or less, as well as women who have lived here for forty years. You may have entered the United States as a refugee fleeing persecution in your country of origin, as a relative with family members in the United States, as a student, as a child, as a tourist, or as a worker seeking better economic conditions.

What is domestic violence?

Domestic violence is a pattern of assaultive and coercive behaviors, that can include physical, sexual, and psychological attacks, as well as economic coercion that adults or adolescents use against their intimate partner. Domestic violence can include a batterer’s control and manipulation of a woman’s unsettled immigration status. A batterer may:

- threaten to report a woman and/or her children to the Department of Homeland Security (formerly INS) to get her or her children deported;
- threaten to withdraw the petition to legalize her immigration status;
- threaten to take her children away from the United States;
- fail to file papers to legalize her immigration status;
- withdraw or threaten to withdraw papers filed for her residency;
- hide or destroy important papers (e.g. passport, ID cards, health care card);
- destroy her only property from her country of origin;
- isolate her from friends, family, or anyone who speaks her language; and/or
- not allow her to learn English.

If you need assistance with your immigration status or have questions about child custody and divorce, there are resources available in Alaska.

What protections are available for battered immigrant spouses?

The Violence Against Women Act allows abused spouses married to United States citizens and lawful permanent residents to self-petition to obtain legal permanent residency status for themselves. Children of the abuser, including stepchildren, are also eligible to self-petition. This removes one means of control from the abuser. The Act also allows abused spouses to apply for cancellation of removal (formerly suspension of deportation).

The Violence Against Women Act also provides that victims of certain crimes including domestic violence, sexual assault, and trafficking may be eligible for a three-year visa and employment authorization if the victim is helpful in the criminal prosecution of the perpetrator.
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The Alaska Institute for Justice through their Alaska Immigration Justice Project (AIJP) legal program is a non-profit agency that provides immigration legal services for all immigration applicants, including citizenship, permanent resident status, work permits, family petitions and for domestic violence and sexual assault survivors. You can call AIJP to make an appointment at 1-907-279-AIJP (2457) or toll free 1-877-273-2457. AIJP has offices in Anchorage and Juneau and there are staff members who speak Spanish, Korean, Russian, Turkish and Kyrgyz.

Can an immigrant battered woman obtain a protective order?

Yes. You do not need to be a citizen or legal resident to obtain a protective order. You will not be deported if you seek a protective order. You have the right to be safe. If you do not feel comfortable speaking English when you seek a protective order, you should ask the judge to appoint an interpreter.

The Alaska Immigration Justice Project (AIJP) can assist you with your legal status or with a domestic violence protective order. See the Resource Directory for contact information.

Can an immigrant battered woman call the police?

Yes. Domestic violence is against the law. The police can escort you and your children out of the house if you want to leave and can transport you to a safe place. Always ask the police to complete a report about the incident and get an incident report number so that you can get a copy of the report. Also, ask for the name of the officer and write down the name and badge number of the officer making the report.

You do not need to answer any questions about your immigration status, where you were born, or how long you have been in the United States. This information is completely irrelevant to the police investigation and your safety.

If you have any issues or concerns with calling the police, contact the Alaska Immigration Justice Project immediately. See the Resource Directory for contact information.

NATIONAL ORIGIN DISCRIMINATION.

Immigrant women are protected from employment discrimination by laws enforced by the Equal Employment Opportunity Commission (EEOC). See Chapter Three for more information about EEOC.

The law protects people against employment discrimination on the basis of their national origin. Discrimination because of a person’s looks, customs, language, and/or accent is against the law. The following are examples of discrimination based on a person’s national origin.

- Discrimination because of a person’s place of birth, or place of birth of her ancestors: It is not necessary for a person to show that her ancestors are from a particular country or region to prove national origin discrimination. For example, a person may look like they are of foreign birth or ancestry and may be discriminated against, which is against the law.
- Discrimination based on association with persons of a different national origin: The law prohibits discrimination because a person associates with people of a national origin group, discrimination because of attendance at schools or places of worship used by persons of a particular nationality, and discrimination because a person’s name or the name of their spouse is associated with a national origin group.
- Practices that may have an adverse affect on particular national origin groups: Minimum height
requirements, arrest and conviction records, educational requirements, and citizenship requirements may screen out people of a particular national origin. These practices are illegal unless the employer can prove that they are necessary and related to the job.

- **Harassment based on national origin:** Ethnic slurs or other verbal or physical conduct because of nationality are illegal if they are severe or pervasive and create an intimidating, hostile, or offensive working environment, interfere with job performance, or negatively affect job opportunities and advancement. Examples of potentially unlawful conduct include insults, taunting, or ethnic slurs.

- **Discrimination based on a person’s accent:** Under the law, treating employees differently because they have an accent is only allowed if having an accent keeps a person from being able to do the job. However, if the person has an accent but is able to communicate and be understood in English, he or she cannot be discriminated against based on their national accent.

- **Speak English—only rules:** The EEOC has stated that rules requiring employees to speak only English in the workplace violate the law unless they are reasonably necessary for the operation of the business. Rules requiring employees to speak only English in the workplace at all times, including breaks and lunch time, will rarely be justified.

- **Discrimination based on appearance:** It is a violation of the law to discriminate against someone because of their ethnic appearance. Similarly, if an employer refuses to allow a person to wear clothing unique to their cultural background, but imposes no dress code on any other employee, this may be in violation of the law.

**THE IMMIGRATION REFORM AND CONTROL ACT OF 1986 (IRCA)**

Discrimination based on citizenship is expressly prohibited by the Immigration Reform and Control Act of 1986. IRCA is enforced by the United States Department of Justice, Office of Special Counsel (OSC) for Immigration Related Unfair Employment Practices. A memorandum of understanding between the Equal Employment Opportunity Commission (EEOC) and the Office of Special Counsel provides for EEOC to refer to OSC charges filed with EEOC that allege IRCA violations.

Contents of this chapter, regarding battered immigrant women, were adapted and reprinted with permission of Futures Without Violence from the publication entitled, *Working with Battered Immigrant Women: A Handbook to Make Services Accessible*. Written by Leti Volpp and edited by Leni Marin.