



**NOW LEGAL DEFENSE
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SAFETY PLAN FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE

The following Safety Plan is a self-help plan for immigrant victims of domestic violence.¹ Read through this section of the manual with your client and assist her in completing it. It will protect and empower her against immediate threat of domestic violence, provide her with long term steps to prevent future domestic violence, and help her prepare her application for immigration benefits under the Violence Against Women Act. The manual provides victims of domestic violence with non-legal resources and opportunities to extricate herself from an abusive situation. The Safety Plan is divided into three parts:

1. The first part outlines non-legal opportunities and preventive measures that should be reviewed with all victims of domestic violence.
2. The second part should be reviewed with victims of domestic violence who are not yet prepared to leave, but are interested in taking preventative measures against the innumerate threat of domestic violence.
3. The third part outlines a plan for both those clients who are planning to leave an abusive relationship and those clients who have already left.

Part I: An Advocate's Guide for all Immigrant Women Victims of Domestic Violence

All clients should be aware of non-legal and legal options for domestic violence victims in the United States. Undocumented clients, in particular, should be reassured that they can take several measures, both involving and not involving the legal system, to prevent domestic violence perpetrated against them.

If your client feels she is in immediate danger, urge her to have her abuser removed from the family home through a temporary protection order, which can require the abuser not to reenter or near the home and not to communicate with the victim. Once the abuser is removed from the home by the police, the victims should change all the locks on the house.

Protection orders are particularly effective for battered immigrant women married to immigrant abusers. In many cases, immigrant abusers fear the legal system, potential criminal sanctions and possible immigration consequences and curb abuse after legal relief, such as a protection order, is sought. Removing the abuser from the family home, and obtaining orders that the abuser stay away from the home and pay child support for children is less disruptive than having her leave home with

¹This memorandum was developed at Ayuda Inc., Washington, D.C.

the children. Some battered immigrant women seek roommates who can help them maintain rental or mortgage payments and who can be present to offer assistance if the abuser violates the protection order by returning home.

For some women, remaining in the family home is too dangerous or may be inappropriate because the abuser's family members cannot be removed from the home. In such circumstances, your client should be urged to leave her home with her children and temporarily find refuge with a friend, neighbor, relative or emergency shelter.

Non-English clients will need your assistance when seeking refuge at a shelter. Although your local shelter may be willing to help, it may not have bilingual or bicultural staff. You should accompany your client to the shelter to help translate her interview/intake and to discuss shelter rules.

Your client's stay at the shelter will be improved if you discuss with her foods she will require and negotiate an arrangement with the shelter that will allow her to cook and eat foods that are familiar to her. You should also familiarize yourself with the sleeping arrangements most comfortable for her and her children and advocate with the shelter for arrangements most similar to these as possible. (e.g. a mattress on the floor, sharing a bed with children, etc.) Women feel most comfortable when eating and sleeping arrangements in the shelter are as close as possible to what they are accustomed and will be more likely to remain in shelter instead of returning to an abusive relationship.

Finally, if the shelter does not have bilingual staff who speak her language, you should assist the shelter in locating translators who could be available to help her communicate with shelter workers. *Never ask the woman's children to translate.* Mothers would be placed in the untenable situation of either editing her story to protect her children or exposing her children to a recounting of the details of abuse. Translators should be people whom the battered woman trusts and whom you are sure do not have any relationship to the batterer. In small communities, the danger is greater that the translator may know and communicate information to the abuser.

Part II: For Battered Women not yet Prepared to Leave the Relationship

For clients who do not wish to, or are not ready to, leave an abusive relationship, legal and non-legal options are still available against the immediate threat of danger to her and her children.

Civil Protection Orders:

First, battered immigrant women across the country have successfully obtained civil protection orders without separating from their abusers. Virtually all state laws allow protection orders to be issued even when the parties have not separated. Protection orders curb violence by altering the balance of power in the relationship. When the parties reside together, typical protection orders provide that the abuser not assault, molest, harass, threaten or abuse his partner or the children, and can order that the abuser participate in a certified batterer's treatment program.

Advocates have been particularly successful in getting the abuser to agree to the entry of these orders when the abuser is promising her partner he will not hit her again and asks to be forgiven. A woman should obtain a protection order even if she chooses to remain with the abuser to curb violence, to document her immigration and future family law cases. The protection order will be enforced by police and by the courts, and increases the probability that the abuser will be arrested for further abuse.

Filing for Protection under the Immigration Provisions of the Violence Against Women Act:

The Violence Against Women Act ("VAWA") does not require that the immigrant victim be separated from her abuser to be eligible to self-petition or apply for suspension of deportation. Beginning the

immigration process before separation may help eliminate the threat of deportation for undocumented women as a major barrier to leaving an abuser.

We recommend that abuse victims begin self-petitioning for lawful permanent residency under VAWA even if they have not decided to leave their abuser. (See Part III for information on gathering documents for a VAWA case.).

Non-Legal Self-Help Strategies

In addition to reviewing legal options, you and your client should review strategies that do not involve the legal system, should she ever choose to leave the abusive relationship. The following is a guide to safety planning strategies that you should discuss with your client.

Remind your client that she must keep this guide in a safe place away from the abuser. She will be at increased risk if her abuser discovers she has contacted a lawyer for help. The list has been written in the first person to be more useful to your client.

Safety Plan

Some safety measures you can take:

1. Create a safety exit from your place of residence. Practice a safety escape plan with your children. What doors, windows, elevators, stairwells or fire escapes would you use?
2. Plan the safest time to get away.
3. Tell someone what is happening to you. If possible, inform your neighbors of your situation and tell them to call the police if they hear any suspicious noises coming from your home. You can also arrange a signal with neighbors to let them know you are in danger, e.g., flashing lights, and have them call the police when they are signaled. You might also have a code word with your children or friends so they can call for help.
4. Know where you can go for help. Check with close friends and/or relatives if you could stay with them in an emergency until you can find a more permanent residence or return home. Keep at their home:
 - a spare set of house keys;
 - a set of clothes for you and your children;
 - prescriptions;
 - some money;
 - social security cards for you and your children;
 - children's school records;
 - children's immunization records;
 - children's special toys;
 - phone numbers of friends and relatives;
 - phone numbers of domestic violence programs that you can call for help;
 - a copy of your civil protection order (and any other court orders)
 - copies of important papers, including those you might need for your immigration case, such as any immigration papers you have, (e.g., I-94, copies of visa applications, work permits, etc.), your marriage certificate, photographs of your wedding, wedding invitations or love letters from your husband, copies of police reports and medical records, photographs of your injuries, copies of your husband's birth certificate, social security card, green card or certificate of naturalization, divorce papers from your previous marriages or from your spouse's previous marriages, papers that show you have lived with your husband in the United States (e.g., copies of your lease/rental

- agreement, utility bills, mortgage payment book, etc.)
- any other important materials for you and your children's daily activities.

If it will be impossible for you to move in with a friend or a relative, find out where you can call when you must flee to obtain emergency refuge at a shelter.

5. In an emergency escape, you must take your children with you, if at all possible. Check with a friend/relative you plan to stay with in an emergency situation if you can bring your children with you. Some shelters do not accept children, if you investigate rules before. Although it may seem more sensible to leave school-age children at home if you do not know where you are escaping to or for what length of time, failing to take the children with you could make it more difficult to regain custody of your children should you decide not to return. The overwhelming majority of battered women who flee with their children receive legal custody of their children from the courts. Further, if you leave your children with your partner, you will also leave your partner with a very effective tool he can use to continue to control your life -- your children.
6. Teach your children to dial 911 in an emergency.
7. Plan with your children and identify a safe place for them if another domestic violence incident should occur -- a room with a strong lock or a neighbor's house where they can go for help. Reassure them that their job is to stay safe, not protect you.
8. Have an easily accessible place to keep car keys, purse/wallet and any other essential items should you have to leave in a hurry.
9. Take photographs of any injuries you sustain. Also take photographs of torn clothing, broken property and furniture in disarray. Take these photographs when it is safe to do so and leave copies of the photographs and the negatives outside of your home in a safe place.
10. Keep any evidence of abuse (ripped clothes, photos of bruises, and injuries, etc.) Should you ever decide to take legal action against your abuser, you will need these documents. Remember to keep this evidence and photographs in a safe place away from your abuser.
11. Open a savings account to increase your independence and to have access to some money that you may need if you decide to leave your abuser.
12. Keep change for phone calls at all times. If you are still living with your abuser and you call for help, information or assistance related to the abuse from home, be sure to dial another phone number for a pizza delivery services, the church, or any other number that he would not question after this call so he cannot discover what number you last called.

To keep your telephone communications confidential you must either use coins or you might get a friend to permit you to use their telephone credit card for a limited time when you first leave. If you use your telephone credit card, the following month your abuser will be able to discover the numbers that you have called if he has access to your phone bill.

13. Learn about the cycle of violence and learn to recognize when a violence episode may occur. Leave the house before an attack takes place.
14. If you foresee an outbreak of violence, try to move away from weapons and to a low-risk place, i.e., a place where there is an exit to the outside (avoid bathrooms, kitchens and the garage.)
15. Use your judgement and intuition. If the situation is very serious, give your partner what he wants to calm him down. You have to protect yourself until you and your children are out of danger.

16. Try not to use any weapons to defend yourself against your abuser. You could be arrested if the police are called and you are unable to convince the police that you were defending yourself. Your best approach is to try to escape the violence, to call the police and have someone call the police for you.
17. Call the police if you are in danger and need help.
18. If you are injured, go to a hospital emergency room or doctor and report what has happened to you. Ask that they document your visit. If your abuser insists on taking you to the hospital, ask that you be interviewed in private, if it is safe to do so. Hospitals are supposed to separate you from any one who brings you to the hospital so that they will not interview you in front of your abuser and further endanger you.
19. Contact the local domestic violence hotline to find out about laws, shelters and other resources available to you before you need them in a crisis.

<p style="text-align: center;">Part III: For Battered Women Who are Currently Leaving an Abusive Relationship or Who Have Already Left</p>

When battered women leave an abusive relationship, she can take several legal and non-legal measures to guarantee her continued safety and freedom. This part has been divided into two sections: Section A outlines measures she can take outside of the legal system and Section B will discuss the legal choices she has.

Section A - Non Legal Measures

1. Change the locks on doors and windows. If possible, install a security system, window bars and door wedges. Install lighting outside your place of residence.
2. Inform neighbors, close friends, co-workers and relatives that you are about to/have separated from your partner and ask if they will notify you if they see him around your home, workplace or car.
3. If you choose to leave your abuser for any period of time, even if you plan to return with a protection order to remove him from the home, you should take with you:
 - identification for yourself;
 - children's birth certificates;
 - your birth certificate;
 - social security cards for you and your children;
 - money;
 - checkbook, ATM cards, bank books;
 - credit cards;
 - keys to house, office and car;
 - driver's license and registration;
 - insurance papers
 - school and vaccination records;
 - medical records for all family members;
 - medications;
 - welfare identification;
 - work permits;
 - green cards for you and your children;
 - passports for you and your children;
 - small saleable objects;
 - address book

- pictures
- jewelry and items of special sentimental value;
- children's favorite toys and blankets;
- copies of papers and documents that you will need for your immigration case, such as any immigration papers you have, (e.g., I-94, copies of visa applications, work permits, etc.), your marriage certificate, photographs of your wedding, wedding invitations or love letters from your husband, copies of police reports and medical records, photographs of your injuries, copies of your husband's birth certificate, social security card, green card or certificate of naturalization, divorce papers from your previous marriages or from your spouse's previous marriages, papers that show you have lived with your husband in the United States (e.g., copies of your lease/rental agreement, utility bills, mortgage payment book, etc.)

4. Inform your employer, supervisor and/or security at your workplace that you are or about to separate from your partner and you do not want to receive any phone calls from him, nor want him to be allowed into your workplace. Arrange to have someone screen your calls at work. In addition, you should advise other employees of the suspected danger from the abuser. You should particularly inform all receptionists and employees with offices adjacent to stairwells, doors, or large picture windows. They should be shown pictures of the abuser.

If you have a good relationship with your employer, inform him/her of the abuse so that he/she will be supportive, take security measures and give you the time from work you will need for court proceedings.

5. As much as possible, try to change your daily routine, i.e., your route to and from work, the times and places you do your grocery shopping or your laundry, the times you pick up and drop off your children for day care, the day and time you have regular appointments.
6. Create an abduction plan with your children in case of emergency. Teach them to call the police or how to make a collect call to you or a trusted person (friend, minister, other) if they are abducted. Teach them to call for help if they are abducted in a public place.
7. If you rent, you can arrange to move to another apartment, change the name on the lease, and request the building management notify employees that your partner is to be barred from the building.
8. Install rope ladders for escape from upper stories. Install smoke detectors and fire extinguishers in your home.
9. Provide child care workers with a list of the only people who may see and/or pick-up your children from their care. Inform them of the terms of any protection order.
10. If you are moving out of a residence you share with the abuser, you should try and do so when the batterer is not at home, particularly when he is at work.
11. The phone company can give you an unlisted number to avoid phone harassment after having left the batterer. You can also arrange to have all information regarding your phone number and billing accessible only to persons who know a particular password of your choosing.

If you and your partner own a large past due bill, however, you will not be able to obtain a new phone number until the old bill is paid. You and your lawyer can attempt to negotiate a payment plan with the telephone company so that the phone can be reconnected as soon as possible. Local charities, churches or victim of crime assistance programs may be able to assist you in paying off these phone bills. *You should not live in a home that has no telephone from which you can call 911 for police assistance.*

12. After ending your relationship with the batterer, keep a diary of all interactions with the him,

especially when his actions violate a court order. A telephone answering machine that allows you to tape calls can be helpful in documenting continued harassment. Also keep all letters that the batterer sends you.

13. Do not initiate contact or communicate with a batterer who is under a court order to stay away from you. Some judges and police may be less willing to enforce a protection order if you have been willingly communicating with your abuser. If you reunite with your abuser, know that the provisions of the order that prohibit your partner from abusing, assaulting, molesting, striking or threatening you remain in effect. Reunification does not automatically nullify the protection order. Your partner will still be violating a court order if he harms you.
14. If you are living in an undisclosed location, have your mail sent to a post office box address so that your abuser cannot locate you. In the alternative, have your mail delivered to the home of a friend or your lawyer's office. When you pick up your mail, be careful that he is not following you. You can change your name to protect yourself.
15. Economic assistance can help you and your children support yourselves independently from your batterer. Assistance may be available from governmental and non-governmental resources. Resources in your area may include:

For rent, mortgage, and utility bills: Emergency funds may be available from local churches, synagogues or the Red Cross. These sources do not provide ongoing payments for rent, mortgage or utilities, but can provide funds for a month or two. Beyond that time frame, you may consider getting a roommate or living with a family member. Your abuser could be ordered to pay child and spousal support, and make rental/mortgage payments as part of civil protection order or judgment for divorce.

For food: Your citizen children may qualify for Food Stamps, Child Nutrition programs, temporary Aid to Needy Families and general assistance, even if you do not. You may be able to obtain food from various local area food banks.

Money to change locks, move, or make repairs needed for security: These funds can sometimes be obtained from the Red Cross. The funds may also be obtained as part of your civil protection order.

Money to pay medical bills: You may be eligible for local crime victims compensation program monies. These funds may also be obtained as part of your civil protection order and your abuser can be ordered to maintain you on his health insurance plan.

Section B - Legal Measures

Civil Protection Orders

1. You may obtain a civil protection order whether or not you have decided to leave your abuser.
2. Obtaining a temporary protection order: If you are prepared to leave an abusive home, you should decide whether you will leave a home before initiating legal action or will seek an order removing the abuser from the family home. Leaving your abuser before taking legal action may be safer because it can sometimes take a day or two before you can get a temporary protection order.
3. If at all possible, take your children with you. Leaving the children with the batterer can make it more difficult to later regain custody of them.
4. Keep a copy of your protection order on or near you at all times. Keep extra copies with a friend or family member in case your copy is lost, stolen or destroyed.

5. Give a copy of your protection order to:
 - the police departments in the communities in which you live, work, visit friends and family and where your children go to school
 - your and your children's schools
 - your employer(s)
 - friends and family members whom you visit often
 - your clergy member
 - people whose homes you may stay in when you escape from danger
6. If you fear continued harassment by your batterer, you can ask that the police place your residence upon special alert as part of your civil protection order. Special attention causes the police department will pay special attention to your residence. The officer who works in your neighborhood may keep in contact with you to assure you are not experiencing further problems.

Undocumented Women Married to Citizens and Lawful Permanent Residents Filing for Residency under the Violence Against Women Act

1. If you are a battered immigrant woman married to a US citizen or a lawful permanent resident who has abused you, gathering copies and originals of certain documents before you escape will help you prove your immigration case. Store these documents outside of your home.

To prove you entered your marriage in good faith and that you lived with your husband:

- Marriage certificate
 - Wedding photos and other photos of you and your husband together
 - Wedding invitations and gift enclosure cards from friends and family
 - Birth certificate of children you had with your husband
 - Personal and real property deeds, leases or rental agreements with both your names
 - Addresses and telephone numbers of your landlord and neighbors where you lived with your husband
 - Joint checking or savings accounts
 - Joint income tax returns or tax returns listing you as a dependent
 - Identification with your photograph and married name
 - Life or health insurance policies
 - Letters and cards written by you and your spouse to each other
 - Correspondence and magazine subscriptions received in both your and your spouses names
 - Utility bills
 - Names, addresses and telephone numbers of people who knew you as a couple, including landlords, neighbors, employers, and your children's school teachers
 - Letter from employer stating that you or your spouse listed the other as an emergency contact
 - Rent receipts
 - Legal documents with both your names
 - Credit cards and credit card bills
 - Airline ticket stubs, receipts and photos from joint vacations
2. You should try to also obtain the following in original or copies, if possible:
 - Birth certificates for you and your children
 - I-94's (record of entry into the United States) and passports for you and your children
 - Copies of any documents filed with the INS
 - Your husband's birth certificate, green card, or certificate of naturalization

- If you or your husband have been previously married, any proof that all previous marriages for both you and your husband have been terminated (divorce judgment, death certificate, etc.)

3. To show the court the nature and extent of the abuse you should collect the following evidence:

- any protection orders (civil, criminal, temporary, emergency)
- police and medical reports
- hospital records (even if you did not tell anyone of the cause of your injuries)
- pictures of your bruises and injuries
- names of shelters you have stayed at and social workers you have spoken with
- names, addresses and telephone numbers of people who: saw your bruises, heard you scream, witnessed the abuse, you told about the abuse, you have stayed with for refuge
- diaries or journals about the abuse

4. If a friend or family member cannot keep these documents for you, open a safe deposit box for them. Do not keep these documents where your batterer may discover you are gathering them.