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**KNOW
YOUR
RIGHTS**



Domestic
Violence
in the
United States

**A RESOURCE
FOR SOUTH ASIAN
WOMEN**

WHAT IS DOMESTIC VIOLENCE?

Domestic violence includes conduct or actions that cause physical, emotional, verbal, psychological, sexual, or economic harm or suffering within an interpersonal relationship or domestic unit. An abuser uses domestic violence to intimidate or control another person. Domestic violence can mean either physical or psychological threats and it can occur in both heterosexual and same-sex relationships.

Some of the abuses are:

- threats (including deportation and child abduction)
- intimidation
- harassment
- pushing
- shoving
- slapping
- choking
- sex on demand
- isolation
- insults
- withholding care
- withholding support
- kicking
- public humiliation
- exhibiting jealousy
- destroying furniture or property
- encouraging family members to hurt you
- blaming others for the abuse

An abuser can be a:

- husband/wife
- boyfriend/girlfriend
- family member, including in-laws
- same-sex partner
- co-worker
- care-giver
- acquaintance
- stranger

You do not have to suffer in silence to be a good wife, mother, daughter, daughter-in-law, sister, or friend.

DOES DOMESTIC VIOLENCE HAPPEN TO SOUTH ASIANS IN THE U.S.?

- Statistics show that in the U.S., women of all races are equally vulnerable to abuse.
- Approximately one out of every three women experiences domestic violence in her lifetime.
- Domestic violence can occur to anyone no matter what their economic or educational background may be.
- In the U.S., there are over twenty South Asian organizations which help domestic violence survivors.

For more information about South Asian-specific services for domestic violence survivors, please contact Narika at 1-800-215-7308 toll-free, or visit their website at www.narika.org

IF I HAVE BEEN ABUSED, WHAT CAN I DO TO PROTECT MYSELF AND MY CHILDREN?

Call the police.

If you are still in danger and you are not worried about immigration consequences to the batterer, call the police (911) immediately. They should respond to your call and if they find evidence that you have been abused, they have the ability to issue emergency stay-away orders, arrest the abuser, provide you with domestic violence resources, and keep the abuser apart from you. If you do not speak English, ask for a translator who is not related to the abuser.

Find safety immediately.

Take your children and yourself to a safe place such as to a friend or to a relative. Get to a safe place. If you think that the abuser can locate you, call a battered women's shelter.

You can find the number of battered women's shelters in your area of the U.S. by calling the National Domestic Violence hotline at 1-800-799-SAFE (7233).

Report any injuries.

Go to a doctor, hospital, or health clinic and get a check-up. If necessary, take pictures. Your medical reports are confidential and will not be disclosed to the U.S. Citizenship and Immigration Services (USCIS), formerly known as the Immigration and Naturalization Services (INS). Make a report with the nearest police station. Write down the name of the officer or physician who helped you and write down any report numbers.

Get legal information and assistance.

Get a referral from the National Domestic Violence Hotline for family law and public benefits information. Special rules for eligibility for public benefits may apply to immigrant victims of domestic violence. Also, you may want to seek a referral to counselors, social workers, or therapists.

You have the right to obtain a restraining order.

This is a legal document which is a court order that states that an abuser shall not harm you or your household members. If the abuser violates this court order, the police must arrest him/her. You can obtain a restraining order regardless of your immigration status or the batterer's immigration status. The court should not ask your status or divulge your situation to the INS.

HOW CAN I TELL IF SOMEONE IS BEING ABUSED?

Friends, Family, and Other People Around Us:

- S/he has unusual or unexplainable bruises on her/his scalp or hands. An abuser often purposely bruises the victim in places that are not easily seen by others.
- S/he confides in you about abuse.
- S/he may not be able to receive or make phone calls.
- S/he is unable to have people visit her/his home.
- S/he anticipates her/his partner's moods before speaking.

Employees and Co-Workers:

- S/he frequently misses work.
- His/her performance at work may change.
- S/he frequently has unusual or unexplainable bruises.
- S/he receives threatening or upsetting phone calls or visits at work.
- S/he confides in you about the abuse.

WHAT CAN I DO IF I KNOW SOMEONE WHO IS BEING ABUSED?

Speak up.

Being silent often reinforces the abuser's belief that abuse is okay. Calling the police sends a message that such abuse will not be tolerated. Help the survivor think realistically about the abuse. Although you cannot tell her/him what to decide, you can assist by listening and:

- Discussing options and preparing the survivor on what s/he can do the next time s/he is abused, such as identifying safe places to go.
- Sharing information about community resources.
- Suggesting that s/he pack a bag with important documents and store it in a safe place, so that s/he can leave quickly. Having a bag with birth, marriage, and immigration certificates, proof of identity, keys, address book, bank books, and money will be very important.

WHAT ARE RESTRAINING ORDERS?

A restraining order is a legal document, a court order, which states that an abuser shall not harm you or your household members. If the abuser violates this court order, the police must arrest him/her.

Restraining orders include:

- Court orders which legally order the abuser to not assault, threaten, contact, or disturb your peace;
- Court orders which tell the abuser to stay away from you and/or your home, work, school, or your children;
- Court orders which grant custody and support, if you have children;
- Court orders which require an abuser to pay any medical expenses that come as a result of physical abuse, and also compensate you for damages done to your property;
- Court orders which prevent the abuser from contacting the INS regarding your status.

CAN I GET IN TROUBLE FOR REPORTING THE ABUSE?

In the United States, it is against the law to hurt or threaten someone else, even if you are married to or living with that person.

If you are an immigrant, you will not be deported nor will you lose your children just by reporting abuse. But if you are an immigrant, it is important to get legal advice as to any consequences of ending your relationship.

Please see next section on immigration options.

WHAT IF I AM SCARED OF BEING DEPORTED BACK TO SOUTH ASIA?

You may have options to remain in the United States. If your immigration status is a concern for staying in an abusive relationship, please contact an attorney who can assist you in evaluating your options.

**For immigration consultation,
contact API Legal Outreach at
(415) 567-6255.**

Violence Against Women Act, (VAWA), 1994

If you meet the criteria listed below, you may be eligible to obtain legal permanent residence without being sponsored by your abuser:

- You married your abuser in good faith;
- Your abuser-spouse is a U.S. citizen or legal permanent resident (green card holder);
- You suffered physical abuse or extreme mental cruelty from your spouse;
- You live or have lived with your spouse;
- You have good moral character; and
- You are currently married or your marriage was terminated less than two years ago.

Petition to Remove Conditions on Permanent Residence

If you already have conditional permanent status (with a two-year expiration date), you may be eligible to remove the conditions without the cooperation of your abuser-spouse if you meet the criteria listed below:

- You married your spouse in good faith;
- You suffered physical abuse or extreme mental cruelty; and
- Your marriage has terminated.

Victims of Crime

Under VAWA, if you are a victim of a crime, including domestic violence, you may be eligible to obtain a U visa and then adjust your status to receive legal permanent residence. In order to be eligible, you need to prove that you have been helpful, are being helpful, or are likely to be helpful in the investigation of certain criminal activity.