

# CITY AND COUNTY OF DENVER



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## DENVER WOMEN'S COMMISSION

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April 15, 2003

Reviewed and updated Sept 2008

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## IMMIGRANT WOMEN AND THE LAW

The one who cut open her lip with his punch told her, "If you call the police, they will deport you, and you will never see your children again."

The one who sponsored her work visa for his gift shop told her, "Don't tell me this is a dangerous job. I brought you here. If you don't work for me, you are going back."

The angry husband told her, "You cannot get a divorce. American courts are for citizens. You have no papers to get a job. You cannot get welfare. You cannot get child support."

The one who brought her to America said, "I paid your family. I paid your way here. You are a nanny. If he raped you, it is because you tempted him. If you tell anyone, your parents will not see you again."

Other than immigration attorneys, few people are familiar with immigrant law. Those affected may understand their rights. Or they might operate on rumor. Or their only source of information might be the very person exploiting them.

U.S. citizens are usually blind to the advantages of their status. Beyond the right to vote, most Americans would be hard-pressed to list their rights that are not shared by immigrants.

Yet one in five children in the U.S. is either an immigrant or has an immigrant parent. In one in 7 marriages in the U.S., one of the parties is a non-citizen. Nationally, 10% of the U.S. population is foreign born. And 85% of immigrant families have at least one member who is a citizen. In these families the disparities may be clearer.

A person is a U.S. citizen if they are born in the United States, or are born to, or adopted by, citizen parents while minors, or if they are naturalized—i.e. become a citizen through formal process. A U.S. citizen cannot be deported, though in rare instances citizenship can be stripped from a person. An immigrant is a non-citizen. They can have legal status i.e. have documentation that allows them to legally be in this country. Or not—either lacking documentation, overstaying a visa or with false identification. Merely being in the United States without legal immigration documents in most states violates immigration law, not criminal law. Using false documents is a crime. A lawful permanent resident is subject to immigration laws, but is able to work and travel. They can be subject to removal proceedings and removed, or deported, if they commit certain crimes, e.g. domestic violence or aggravated felonies. Refugees and asylees immigrate to the U.S. to avoid persecution in their homeland. Others come to the United States pursuant to non-immigrant visas, such as student visas or tourist visas. There are employment-based categories for immigrants and temporary workers as well.

Regardless of immigration status everyone has rights to certain services:

Protection Orders  
Police Assistance

Child Custody and Support  
Equal Access to Domestic Violence and Homeless Shelters  
Emergency Medicaid  
School Lunch and Breakfast Programs  
Child and Adult Protective Services  
Soup Kitchens  
Immunizations  
Senior Nutrition Program  
Food Banks

Family law courts may have jurisdiction over families that include members with immigration concerns, which can cause special implications. For example a court might be asked to provide spousal support to the non-citizen spouse because of their inability to work due to immigration status. Or, parents might be asked to turn over children's passports to prevent parental kidnapping. Or a spouse might be required to not cancel utilities and sustain bank payments since a social security number might be required to open accounts.

Only certain legal immigrants have the right to work. There may exist limits or special concerns with services to immigrants such as welfare or Medicaid or food stamps or Child Health Plan coverage. Legal immigrants may qualify for Colorado's Old Age Pension if they are destitute, but may not qualify for Medicare if they haven't worked long enough in the U.S. Many needy legal immigrants do not ask for help. Some are afraid to ask because there is also an "undocumented" immigrant in the household, or because being a "public charge" can undermine their ability to become a citizen later, for example.

For battered women who are immigrants, their immigration status is frequently a tool of control for the perpetrator. Often, if he is a citizen, he has not taken steps in sponsorship to help her move toward permanent residency or naturalization. Keeping her immigration status dependent on his can intimidate her from seeking help. In recognition of this, the federal Violence Against Women Act (VAWA) offers special relief for victims of domestic violence who are married to a U.S. citizen or Legal Permanent Resident. VAWA applies to men and women equally. A successful VAWA petition can provide immigration standing independent of the batterer's active sponsorship. Battered spouses whose partners are not citizens or lawful permanent residents may be eligible a "U Visa", which covers victims of serious crimes. Victims of trafficking might be eligible for a "T Visa" under the Trafficking Victims Protection Act.

When you are talking with a person who is not a citizen, an invisible web of complexities may surround him or her. Can they ask for help or information without risking deportation? Will the person or agency they contact report him or her to the INS- now called ICE – Immigration and Customs Enforcement? Can they find someone who can understand them if they is not fluent in English? Will any of their actions jeopardize their future immigration status? In many cases, their best first step would be to talk to an immigration attorney. Meanwhile, the rest of us can appreciate the benefits of our citizenship and the struggles of others in their goals towards lawful permanent residency and citizenship in the United States

For more information about immigrant women and the law contact Immigrant Women Program NOW Legal Defense and Education Fund 202-326-0040 [www.nowldef.org](http://www.nowldef.org) or the National Immigration Law Center [www.nilc.org](http://www.nilc.org) Locally, the Denver Center for Crime Victims provides free victim support services, and information and referral for non-English-speakers as well as fee-based interpretation and translation services for over 70 different languages. 303-894-8000