



ACCESS TO LEGAL SERVICES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND TRAFFICKING

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Introduction:

In 1994, Congress passed the Violence Against Women Act (VAWA), which included specific provisions to help battered immigrants escape their abusive U.S. citizen or lawful permanent resident spouses by providing the ability for battered immigrants to 'self-petition' for immigration status. Understanding that the category of immigrant victims helped by VAWA was too limited, Congress in VAWA 2000, expanded this relief to offer help to other immigrant victims of domestic violence (who are not married to U.S. citizen or lawful permanent residents) and to victims of trafficking, rape, sexual assault, child abuse, and other violent crimes who seek help in the justice system.

VAWA's intent was to provide immigrant victims access to safety and assistance. However, in 1996, Congress severely restricted the ability of Legal Services Corporation (LSC) funded programs to serve immigrants, including many victims of domestic violence, sexual assault, child abuse, trafficking and other crimes. LSC funded programs were not permitted to use any of their funds, whether from LSC or other sources, to serve certain categories of immigrants. Congress subsequently permitted LSC programs to use non-LSC funds to provide limited representation to some immigrants who are victims of spousal abuse and to use any funds to serve certain victims of trafficking, but the LSC restrictions do not permit LSC recipients to provide many of the immigrant victims eligible for VAWA services with access to relief from domestic violence, sexual assault, and trafficking. Only a narrow portion of the immigrant crime victims can access help from LSC funded programs. As a result, LSC funded programs that are often the most experienced legal services providers, cannot provide services to those victims that VAWA intended to reach.

Prior to the passage of the Violence Against Women Act of 2005 ²immigrant victims of sexual assault and immigrant victims of domestic violence who were not married to their abusers will no longer be turned away from LSC-funded legal services programs. VAWA 2005 explicitly expands the scope of services that LSC grantees can provide to victims of domestic violence, sexual assault, trafficking and certain other crimes, regardless of their immigration status.³ Legal Services Corporation funded program as authorized by VAWA 2005 to use any source of funding that the LSC funded program may have to represent immigrant crime victims without regard to immigration status. The sources of funding that may be used include but are not limited to funding from the following sources: Legal Services Corporation, Violence Against Women Act, Victims of Crime Act, IOLTA, state, federal or local government funding, private foundations, ecumenical funding or any other source of funding the program may have.

Beginning in January 2006, legal services programs should not screen applicants for immigration status until after applicants have been screened for crime victimization (e.g. domestic violence, child abuse,

² "Violence Against Women and Department of Justice Reauthorization Act of 2005", P.L. 103-322

³ Legal Services Corporation, Program Letter 06-2 Violence Against Women Act of 2006 Amendments. Available at: <http://iwp.legalmomentum.org/cultural-competency/access-to-legal-services>

elder abuse, sexual assault, human trafficking or other U-visa listed crimes⁴). Crime victims can receive assistance from legal services and legal aid agencies including those receiving LSC funding without regard to the immigration status of the crime victim seeking legal assistance.

The following are real-life stories of immigrant victims across the country for whom Congress ended the restrictions that prior laws had placed on immigrant victim access to legal assistance from Legal Services Corporation funded programs. Starting in January of 2006 the immigrant crime victims including the victims whose stories are contained in this publication have full access to representation and assistance provided by legal services programs across the country. These stories illustrate the dangers prevented and the victims helped by the VAWA 2005 amendments that guarantee that LSC-funded legal services programs can offer a range of life-saving legal assistance to immigrant victims of domestic violence, sexual assault and trafficking. The following stories were collected by Legal Momentum in collaboration with the National Network to End Violence Against Immigrant Women.⁵

⁴ A “non-exclusive” list of qualifying criminal activities is provided in the statute and Department of Homeland Security regulations INA § 101(a)(15)(U)(iii), 8 U.S.C. 1101 (a)(15)(U)(iii); 72 Fed. Reg. 53,014, 53,018 (Sept. 17, 2007). The list includes rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, solicitation to commit any of the above-mentioned crimes, or *any similar activity* in violation of federal, state, or local criminal law. The list also includes attempts or conspiracy to commit any of the listed activities.

⁵ We wish to thank the immigrant victims who shared their stories here. Their names have been changed to preserve their confidentiality. We are also grateful to the advocates and attorneys across the country who are assisting immigrant victims and who shared the stories contained in this publication.

ILLINOIS

Chicago

After coming to the United States, Sara met and fell in love with her boyfriend Samuel. They were dating for many years, lived together and over the course of the relationship they had three children together. Throughout the relationship, Samuel routinely physically, sexually and psychologically abused Sara. Samuel would often drink heavily and was particularly abusive when intoxicated. Sara called the police for protection on numerous occasions, but had difficulty communicating with them and when the police arrived Samuel was never arrested. Sara did learn about protection orders and eventually obtained a protection order against Samuel. Samuel ignored the protection order and after the protection order was issued, Samuel's abuse of Sara escalated significantly. The abuse became more severe. Samuel beat Sara on numerous occasions, threatening her if she took more steps to stop his abuse. During one of the more severe incidents, Samuel threatened to kill Sara. As part of a subsequent assault, Samuel held a knife to Sara's stomach, dragged her by the hair, and then raped her.

The worst assault by Samuel on Sara left Sara unconscious in their apartment following a severe beating. Samuel knocked out Sara's front teeth, dragged her and beat her repeatedly. Following this incident Samuel fled from the house. When the police arrived they found Sara lying on the floor unconscious. The police arranged to have Sara admitted to the hospital. Sara had bruises and burns on her arms, back, knees and legs, and was in a coma. Sara spent many days in the Intensive Care Unit of the hospital. She came out of the coma and is still going through a long, physically and emotionally painful recovery. Sara is cooperating with police who are currently pursuing several criminal charges against Samuel. Although Sara was able to find legal help to file her immigration case for a U Visa as a cooperating witness in Samuel's criminal prosecution, she could not receive help from an LSC funded legal services program because her abuser, Samuel, was not her husband. Sara has been granted interim relief by immigration authorities in her U visa case. However, the legal needs of Sara and her three U.S. citizen children extend beyond immigration relief. Sara needs legal assistance to help her obtain legal custody of her children, receive child support, and to help her enforce her protection order. Sara is still looking for legal representation. Because Sara and Samuel never married, she is ineligible to receive LSC-funded assistance, leaving her with few options, if any, to obtain legal representation in her much needed family law case.

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Yesenia came to the United States from Mexico along with her mother. When she was 13 years old, living in the United States in her mother's home and attending school, she met and started dating Carlos. Yesenia and Carlos' relationship quickly became sexually and physically abusive. Yesenia's mother did not approve of their relationship, so she kicked Yesenia out of her house. With nowhere to

go, facing living homeless on the street, Yesenia moved in with Carlos. Once they began living together, Carlos forbade Yesenia from ever leaving the house. He forced Yesenia to stop attending classes at school. Yesenia became isolated from her family and friends. Her only support came from Carlos. Carlos' sexual abuse of Yesenia escalated. Often Yesenia would try to fight off Carlos' advances, but that only made Carlos angrier. As part of his abuse, Carlos worked to undermine Yesenia's self-esteem. He repeatedly told Yesenia that if she was not with him, no one would have her and she would have no one.

One day following a particularly brutal beating, when Yesenia was 17 years old, she finally found the courage to call the police for help. In that incident Carlos repeatedly struck her on her face and head. He hit her and slapped her so hard that Carlos split Yesenia's lip. The police arrived and immediately arrested Carlos. He was charged with Aggravated Criminal Sexual Assault and Sexual Abuse. Yesenia sought legal assistance to obtain a protection order against Carlos and to file for immigration relief as a crime victim witness under the U visa immigration protections. The LSC funded lawyers were forced due to restrictions to turn her away. Despite not being able to access legal representation from an LSC funded program, Yesenia was able to obtain an order of protection, prohibiting her boyfriend Carlos from coming near her or contacting her at any location including her school and home. Yesenia is back living with her mother she found a non-LSC funded program to assist her in filing for interim relief pursuant to the U Visa and was approved. Yesenia is back in school and is working with her U visa employment authorization. Yesenia is very lucky to receive legal assistance with her U visa because she is ineligible to receive LSC-funded assistance because she is undocumented and was abused by her boyfriend. There are many more immigrant victims who are turned away because of the LSC restrictions. The wait lists at non-LSC funded immigration programs are often months long.

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Maria, a woman from Ecuador, met Miguel at the insurance company where they both worked, and shortly after meeting they started dating. After a few months of dating they moved in together and began living together. Maria learned after moving in with Miguel that he had a criminal record, and used and sold marijuana and cocaine. Miguel and Maria were living together for almost five years, but they never married.

Miguel beat Maria almost daily, leaving bruises and marks on her skin that were often so severe that Maria could not go to work without the beatings being discovered. It became hard for Maria to keep her job, particularly so when Miguel sold Maria's car for money to buy drugs, but she continued working when she could. One year on Thanksgiving, Maria wanted to do something nice for Miguel. She surprised Miguel by using money she saved up to buy a turkey and champagne. He was so angry with her for hiding money from him, and he beat her up and took her money to buy marijuana. She called the police, but by the time the police arrived Miguel had left the home and he was not arrested. Several weeks later Miguel asked Maria for money, and when she only had ten dollars, he beat her until she bled. Miguel was arrested and convicted for possession of drugs and guns. Maria cooperated in Miguel's drug and gun conviction. However, Maria was so afraid of Miguel and so ashamed of the abuse that Miguel convinced Maria to drop the domestic battery charges.

When Miguel was released from jail, he attended regular counseling and stopped drinking for a while. Maria really wanted to believe that Miguel would change. Miguel was very convincing and Maria agreed to move in with him again. Soon after, Maria and Miguel reconciled Maria got pregnant and they had a baby girl, Beatrice. However, once Miguel knew that Maria was back for good, the abuse resumed and escalated once again. Now Miguel routinely threatened to take Beatrice away from Maria. Miguel told Maria that he could have her sent back to Ecuador and she would never see Beatrice again. In addition to emotional and physical abuse, Miguel would force Maria to be present in Miguel's drug selling world. Maria finally decided to leave Miguel when he injured her in a violent attack that included punching her in the eye and twisting her arm. Her injuries were so severe that Maria had to be treated at the hospital. This time Maria agreed to obtain an order of protection. She moved into a domestic violence shelter and prepared to testify against Miguel at his criminal domestic violence trial. Testifying against her boyfriend who was the father of her child was one of the hardest things she ever had to do. Miguel was convicted of domestic battery.

As a cooperating witness in Miguel's criminal domestic violence case, Maria is eligible to apply for U visa interim relief. She has been able to file her U visa case with assistance from non-LSC funded immigration attorneys and is awaiting a decision. Maria also needs civil legal assistance to obtain full, legal custody of Beatrice, as well as child support. Maria does not qualify for LSC-funded assistance and currently cannot find anyone to represent her in her family law case. Maria is on the waiting list for a non-LSC funded legal services program, and is struggling with working and raising Beatrice, while at the same time trying to save money to pay for a private attorney. She is afraid that because Miguel has legal status he will bring a custody case against her and win custody of Beatrice. Maria also wants to ensure that when Miguel is released from jail that he is only granted visitation that is supervised and that will be safe for both Beatrice and Maria.

KANSAS

Kansas City

Juanita is a Mexican German Mennonite woman who was living with her husband Jose in Western Kansas. Juanita was living in America on a visitor's visa. Juanita and Jose were both Mennonites. They lived in an area of Kansas that was highly populated by Mennonites, including a group of Mennonite men who were involved in a large-scale marijuana trafficking ring. Juanita's husband, Jose, had previously been friends with many of these men until he learned of their illegal and dangerous drug trafficking activities. Soon after his discovery of the drug trafficking, Jose began working for the Drug Enforcement Administration (DEA) as an undercover agent working as an insider in the criminal ring. Juanita often helped Jose with his undercover investigations of the drug traffickers. Juanita used to write down license plate numbers of the men's trucks when they stopped by the house. Throughout this time, the drug traffickers considered Juanita and Jose their friends. The traffickers had no knowledge that both Juanita and Jose were both working with the DEA. Jose received payment for his work.

One day, Jose mysteriously disappeared. Using information that Jose and Juanita had provided, the district attorney was able to get some insight into what happened to Jose. Jose and Juanita's undercover work and the evidence they collected led to the arrest, prosecution and conviction of eighteen members

of the trafficking ring. One of these men was a main leader of the group, whose arrest and conviction was a considerable success for the DEA. During one of the trafficker's testimony at the criminal trial, he revealed what happened to Jose. According to him, when the men learned of Jose's involvement with the DEA they kidnapped him. They then tortured him for two weeks before they threw his body in the lake to drown. His body has never been found. Since then Juanita has received threats and rocks have been thrown through her window.

Juanita and her two children are victims of Jose's murder. Juanita qualifies to file for and receive crime victim visas and to cooperate in the prosecution of the traffickers for the murder of Jose. Currently, Juanita and her two children are struggling to survive on their own without their husband and father, Jose. The trafficking ring has a large network that is very active both in the U.S. and in Juanita's hometown in Mexico. The ongoing threats from the traffickers in the U.S. have terrorized Juanita and her children. She is very afraid of what will happen to herself and her children if she is forced to return to Mexico where U.S. laws cannot protect her against the traffickers Juanita and Jose helped to convict. Juanita is seeking a lawyer who can help her file her U visa case through which she can attain work authorization that will allow her to move away from the dangers in her community in Kansas to a safer location where she can raise her family without fear. Her community is now helping to provide financial and emotional support and Juanita is doing odd jobs around the town to make some money. Despite the great services her husband Juan and she herself provided the government in the drug prosecution, and despite the fact that she qualifies to receive U visa immigration protection as a murder victim, she cannot find legal assistance because of restrictions on Legal Service Corporation funded programs that require that undocumented crime victims must be turned away. There are no exceptions in Legal Service Corporation funding restrictions for U visa eligible crime victims like Juanita. Juanita is looking for a non-LSC funded program to help her but there are very few in the area and those few that exist are extremely overbooked.

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Luz is from Mexico and was living in Kansas with her 2 daughters and son, ages 15, 10, and 7 respectively. One day, Luz and her children and a friend were in a Payless Shoe Store together. As they were walking up to the register to purchase their shoes, a man approached them and pulled out a gun. Everyone in the store screamed and the man yelled for all of them to shut up. The man demanded money from the woman at the cash register. Luz was looking right at the robber, she was terrified. The man barked at Luz to stop staring at him. She tried to look away but her head felt frozen. When she didn't move, the man pointed the gun directly at Luz's face. The younger daughter, only ten years old, moved towards her mother out of fear that he would hurt her mom. The man then grabbed the girl and threw her to the ground. Amidst the screaming, the man grabbed the money from the cashier and ran out the door. Once the man left, the friend who was with Luz and was pregnant was rushed to the hospital. She had suffered from a nervous breakdown due to the robbery and nearly lost her unborn child. Luz's eldest daughter described the event as the scariest moment of her life, something she will never be able to forget.

After the robbery, Luz could qualify for U visa interim relief as a robbery victim, due to the threat on her life by the robber with the gun and the assault on her oldest daughter. She is willing to cooperate with the police investigation of the robbery. In order to get the U visa, however, Luz needed legal

assistance. She was turned away because she does not qualify for help from the Legal Services Corporation funded program because although she qualifies as a violent crime victim to file for and receive legal immigration status, she is currently undocumented. There are very few non-LSC funded programs in her area. Luckily, Luz did find one organization that was willing to help her apply for the U visa and explain her options. This organization explained that Luz did not have to fear deportation as a consequence of helping the police. Now that Luz did not fear the police coming after her, she and her children were a large help in the criminal investigation. Both Luz and her younger daughter testified in the preliminary hearing and the man was consequently convicted on aggravated assault and armed robbery. Luz needed legal assistance in order to help her family, and in turn, the police. With the doors of the LSC funded program closed to them finding this critical legal assistance is far more difficult for immigrant victims like Luz and her children.

MARYLAND

The following stories illustrate the dangers caused to immigrant victims of domestic violence, sexual assault and trafficking when they cannot access help from skilled attorneys who work for Legal Services Corporation Funded programs. Programs that are not LSC-funded are inundated with cases that legal services-funded agencies are unable to take. In Maryland, immigrant victims have a particularly difficult time obtaining legal representation in family court cases including protection order actions and in contested custody cases in which their abuser is seeking custody of the children, contrary to the children's best interests. Many of these cases are ones that need and deserve the most legal advocacy. Legislation is needed that will guarantee that LSC funded legal services programs can offer a range of life saving legal assistance to immigrant victims of domestic violence, sexual assault and trafficking who turn to LSC funded agencies for help. The proposed legislation will help ensure that in the future immigrant victims of violence against women like those described below can receive the help they need.

Prince George's County

Ana is an immigrant from Nicaragua. She met the father of her child, Pedro, on a visit to the United States three years ago. Pedro was very nice to Ana. He took her on dates and showed her around Maryland and Washington, D.C. After her vacation, Ana returned to Nicaragua and soon after learned that she was pregnant with Pedro's child. Ana contacted Pedro to tell him of her pregnancy. Pedro told Ana to return to the United States so that they could have the child together. He promised that he would take care of Ana and the baby. Ana secured another visa and returned to the United States.

Pedro and Ana started living together. It was only then that Ana learned that Pedro was an alcoholic. Pedro came home drunk almost every night. Pedro abused Ana psychologically. He controlled all of Ana's comings and goings. Pedro made Ana work in his family business. He totally isolated her and would not let her communicate or socialize with anyone except himself and his family. When Ana protested about Pedro's control and isolation of her and his drinking, Pedro threatened to call immigration authorities and threatened that if she complained to anyone about his treatment of her he would take away her child after she gave birth and she would never see the child again. This made Ana very afraid. When Ana was about to give birth, she had to get to the hospital alone because Pedro was too drunk to take her. After their daughter, Eva, was born, the abuse escalated to physical assaults. Ana

did not want to call the police to report the physical abuse because she believed that Pedro would have her deported and he would keep her from seeing Eva. One night Pedro punched Ana in the face. Ana started bleeding. She was so afraid of Pedro that she called the police to stop his assault. The police came and removed Pedro from the home. Ana called a domestic violence program after hearing an advertisement on Spanish radio. With their help Ana received a protection order against Pedro, but since Ana was not represented by counsel, she did not know that she should request a custody award as part of her protection order. Pedro then went to court and obtained custody of Eva. Eva was unrepresented in the custody case. Pedro has not allowed Ana any visitation with Eva. Ana is receiving counseling and support from the local domestic violence program. They are trying to help Ana find an attorney for her custody case. She has not found anyone. Because Ana was never married to Pedro she is ineligible to receive legal assistance from the local legal services program. Ana desperately needs legal assistance. Without an attorney, she will permanently lose custody of Eva and Pedro may be successful in cutting off Ana from seeing her child even through visitation.

Montgomery County

Madeline is an immigrant from Nigeria. She came to the United States in search of a better life for herself. She met Michael, a U.S. citizen, shortly after she arrived in Maryland. Michael and Madeline lived together and had one daughter together, Mary. Michael abused drugs and alcohol. He subjected Madeline to severe physical and mental abuse. He beat Madeline almost every other day. Even during her pregnancy, Michael beat Madeline. On one occasion Michael beat Madeline during her pregnancy so severely with punches to her face and body that she almost had a miscarriage. On another occasion, Michael slapped Madeline so hard in the head that she suffered permanent damage to her eardrum.

Things did not get better once their daughter was born. Whenever Mary cried, Michael tried to smother her to stop her from crying. Other times he would turn music up to a painful, unbearable sound level to drown out Mary's cries. The police were called to the home by neighbors during domestic violence incidents on numerous occasions. Madeline was afraid to seek help from the police or others about the domestic abuse because Michael threatened that he would call the immigration authorities on her and have her deported. Finally after a horrendous beating, the police arrested Michael. Madeline entered into a domestic violence shelter with Mary where she received counseling and other services. Madeline was able to receive legal assistance from a program that did not receive LSC funding. LSC restrictions prohibit LSC funded attorneys from representing Madeline because Michael and Madeline never married. With legal representation, Madeline was able to obtain a U visa certification from the police and she applied for U visa immigration relief. Her application contained an abundance of evidence and documentation of the abuse. She was granted U-visa interim relief and has since received employment authorization. She is currently living in a safe location with her daughter. Madeline is lucky to receive legal assistance. There are few places Madeline can access legal services because she is undocumented and was never married to Michael.

NEBRASKA

Omaha

Grace is an eighteen-year-old young girl who has resided with her father in the United States for three years. She came from Mexico with the hopes of helping her family find a better life. In 2003, she left her mother and siblings in Mexico and went to live with her biological father, Pepe, in Utah. In 2004 her father sexually assaulted Grace and raped her for a period of four months. As a result of the multiple rapes by her father Grace got pregnant and now has given birth to a six-month-old daughter. Grace's father fled to Nebraska with Grace and was ultimately reported to police authorities in Nebraska. Upon learning that the police were looking for him with a warrant for his arrest, Pepe, fled Nebraska and law enforcement authorities in neither Nebraska nor Utah have been able to locate him. The prosecution in the rape case therefore remains open until Pepe can be located and captured. Neither Grace, nor her family, knows anything about Pepe's whereabouts.

Grace faces continued harm due to the rape. Her family in Mexico blames her for Pepe's fate; they have isolated her and cut her off. Pepe's financial support to the family in Mexico has stopped. Her family blames Grace fully for the devastating effects of the rape on her. Her mental health and the trauma she sustained being raped and sexually assaulted by her father over a period of months cause her continuing emotional and physical pain and leave her facing burdens and frustrations of having no safe home to return to in Mexico and struggling with the burdens and frustrations of being a teenage mom trying to survive and support herself and her child in the United States. Grace wants to be able to finish high school and to have an opportunity to remain in the U.S. where she can hopefully cooperate someday in Pepe's prosecution and be protected by the U.S. legal system against his retaliation.

Grace has a number of legal needs. She wants to file for U visa immigration protection as a victim of incest and multiple rapes. She also qualifies to obtain a protection order against Pepe and to obtain a child support order against him. Grace is being helped by advocates at the YWCA in Omaha since May of 2004 and has been assisted with case management, counseling, and referrals to community services. Grace needs to apply for a U-visa but the YWCA cannot handle her legal needs. There are three non-LSC funded programs that could handle her domestic violence and immigration legal matters. Only one of these programs has an experienced immigration attorney. There are a number of private immigration attorneys in Omaha, yet not one client of the YWCA has ever been able to afford their services.

Last year the YWCA provided services and assistance to more than two hundred immigrant women many of whom were victims of violence against women – domestic violence and sexual assault in particular. About 70% of these women would not be eligible nor could they afford a private attorney in their immigration and civil cases. If LSC-funded programs could change their eligibility requirements many more immigrant victims in need would be able to obtain services from qualified LSC professional attorneys that could help them access the family court and immigration law relief they need to survive abuse and become self-sufficient and that they are legally entitled to receive.

NEW MEXICO

Albuquerque

Ana is an immigrant from Mexico. Ana and her abusive boyfriend, Raul, had been together for fifteen years. They had two children together, Lisa and Richard. Raul has subjected Ana to horrific physical and emotional abuse throughout their relationship. One of Raul's first beatings was when Ana was pregnant with their daughter, Lisa. Raul punched Ana in the face and kicked her in her back. The beating was so severe that Ana was afraid that she might suffer a miscarriage. On another occasion Raul came home very drunk and severely beat Ana, splitting her lip and leaving her nose black and blue. This was one of the worst beatings. Following this beating, Ana fled the house with the help of a neighbor, taking both children, Lisa and Richard, with her. She went to the police station to file a police report. The police took her to the hospital and took x-rays. The doctor said that Raul had broken her nose. The police said they would look for him to arrest him. Raul went into hiding to evade arrest. Raul was an alcoholic and a drug abuser. He would drink a six-pack of beer everyday and use cocaine.

Raul was very jealous and controlling. He frequently wrongly accused Ana of having relationships with other men. On one occasion, he accused her of sleeping with his brother and hit Ana on her head. Raul also accused her of having an affair with her boss. When Ana denied it, Raul tried to force her to have sex with him. Ana tried numerous times to leave Raul. In order to prevent Ana from leaving, he frequently took her and her children's passports and car. On one of the last occasions of abuse between them, Raul grabbed Ana by her hair and threw her against the trunk of the car. She called the police but he got away before they could get to him. Ana finally gathered the courage to leave Raul. Ana's leaving, however, did not stop Raul's violence towards her. Raul has stalked her, broken into her house and stolen her TV, clothes and some money. Since Ana and Raul were never married, Ana did not qualify to receive help from a legal services funded agency although she needed help in obtaining a restraining order to protect herself and her children from Raul's ongoing abuse. She also needed legal assistance in filing for a crime victim visa (U visa) immigration case and in winning permanent legal custody of the children. With legal assistance from another agency, Ana was able to obtain a protection order and recently had her U visa interim relief application granted. Without access to LSC funded attorneys Ana will not be able to obtain the representation she needs to win custody and child support in a contested family law case against Raul. There are very few lawyers who will take Ana's case. She cannot afford a private attorney. Further, the only family lawyers in her community with expertise helping battered women are LSC funded attorneys.

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Mona is an immigrant from Bolivia. Mona is divorced from her abuser, Paul. Paul was an alcoholic and cocaine abuser. Mona suffered many incidents of abuse perpetrated against her by her former husband Paul. Just days before she was about to give birth to their daughter, Rita, Paul attempted to force Mona to have sex with him. When she refused he lunged for her and he tried to hit her in the face. Mona fled their home seeking safety with her family members. Paul tracked her down at her mother's house. He kicked down the door of her mother's house and threatened to hurt her and her family members. On one occasion while drunk, Paul beat down their front door and told Mona that he was going to kill her. Somehow scared as she was, Mona convinced him to leave. During the incident of abuse that led Mona to leave him, Paul punched Mona in the head. Mona picked up the phone and called 911. Paul grabbed the phone from Mona and hung it up, but luckily the police were able to register the call and identify the address from which it was made before Paul hung up the phone. The police arrived in time to help Mona. Although LSC funded lawyers could not help her, Mona was able to find legal assistance to help

her obtain an order of protection against Paul and Mona recently was granted U visa interim relief and can now work legally to support herself and her daughter Rita. Paul is trying to obtain visitation with Rita and Mona needs help seeking child support. Mona is afraid that Paul will harm Rita during visitation because of his alcohol and drug abuse and that Mona will be subjected to ongoing abuse during custody exchanges with Paul. Mona is currently representing herself in the contested visitation case brought against her by Paul. Mona is ineligible to receive legal assistance from LSC funded lawyers because she no longer is married to Paul. Mona needs an attorney and is currently on a wait list with a pro bono program.

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Ines is an immigrant from Mexico. Ines had spent more than ten years in a relationship with the father of her children, Pedro. The abuse started with a slap and soon afterwards escalated. Pedro's abuse was extremely dangerous and caused numerous injuries to Ines. The abuse included an incident in which Pedro fired one gunshot at the ceiling and another near Ines' head. Pedro shot at Ines' head when their two-year-old son was nearby. She would often go to work with black eyes. Pedro would throw furniture and break things when he was high on cocaine. On one occasion he tried to strangle Ines, telling her that the only way she would leave there would be if she were dead. Paul would frequently break Ines' cell phones so that she could not call for help. Other violent incidents included Pedro hitting her with a belt and threatening to throw acid on her face. Over time his abuse expanded beyond Ines to include abuse of their children, including slapping their son. Pedro threatened to set her house on fire in her home country, Mexico. Pedro eventually did burn Ines' house down in Mexico. Thankfully, Ines found a way to escape from Pedro with their children. With help from a non-LSC funded program, Ines received her employment authorization card through the U visa interim relief process as a cooperating witness in Pedro's criminal prosecution. However, Ines now needs to obtain a protection order against Pedro and full custody of their children. The LSC funded program cannot help Ines because she was never married to Pedro.

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Marta has been in a relationship with Javier for 2 years during which time he has been increasingly violent. Marta and Javier never married, but Javier is the father of their 1 ½ year old son, Jose. Marta is an undocumented immigrant from Mexico. Javier's assaults against Marta were so frequent and severe that Marta's family intervened to protect her against Javier's assaults. Recently, her family tried to intervene in a dispute between Marta and Javier. Javier turned his attack on Marta's father and assaulted Marta's father so brutally that Javier killed him. Javier was arrested for the murder of Martha's father but was soon let out on bond while awaiting trial. Marta and her family have been devastated and are terrified of Javier's retaliation because he does not want them to testify against him in the murder trial.

Marta could not receive help from the LSC funded legal services program to obtain a protection order against Javier, since she was an undocumented immigrant and was never married to Javier. Marta had to file for an order of protection on her own. Javier appeared at the protection order hearing with a lawyer. Marta does not make enough money to be able to hire a lawyer. Despite the temporary order of protection that the court issued against him, Javier constantly contacted Marta before the hearing. Marta felt helpless and intimidated by the process. In the end not having a lawyer to help her led Marta to cave into Javier's harassment and treats and she dropped her order of protection case. Marta, her

child, and her family remain terrified. They need to be able to access help from an LSC funded lawyer to be able to obtain protection against Javier, without this help Marta's safety cannot be assured.

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Julia is an undocumented immigrant from Guatemala. After coming to the United States, Julia met and fell in love with John, a lawful permanent resident with whom she had a child, Joey. During their relationship John beat and verbally abused Julia. During the most recent incident of abuse, John slapped Julia so hard that she suffered a split lip and bruising. Julia took their baby Joey and left to stay with friends. John and his family immediately began stalking and threatening Julia. John and his family told Julia that they would take the baby from her and flee out of the country to Guatemala. They would report her to immigration authorities to have her deported back to Guatemala. John began calling the police each night so that they would go to the place where Julia she was staying. John also tried to get the police to take Joey from Julia and give the baby to him. The police visited Julia daily, but they have not taken the child from her. John then filed for an order of protection against Julia and asked for temporary custody. The request for temporary custody was denied; however, the temporary order of protection was granted and a hearing date was set. Since Julia is undocumented and unmarried (although he promised to marry her and petition for her immigration papers, he never did) she has no access to legal counsel. The LSC funded program with the expertise to represent her in what will be a highly contested custody case is legally prohibited from representing Julia. John filed for a protection order against Julia, although none of his allegations in that complaint are true. John has also called immigration authorities to have Julia arrested and deported. Julia desperately needs legal representation to defend her in the protection order case John filed against her, in addition to receiving her own protection order against John. She also needs to file a custody case against John in family court but is afraid to do so unrepresented in a contested case against John's lawyer. Julia has no options for legal assistance aside from the LSC funded program that cannot represent her.

**

Ramona was the victim of a serious assault perpetrated by Miguel, the father of her youngest daughter, in January 2005. Ramona worked with a victim advocate to file for a protection order against Miguel. The victim advocate helped her and she was granted a temporary protection order against Miguel. Ramona needed help from a lawyer to represent her in the hearing on the full protection order. However, since Ramona was undocumented and not married to Miguel she did not qualify for legal services with the LSC funded agency. Ramona was afraid that she could not represent herself in the full protection order hearing against Miguel who was likely to be represented by counsel and whom she knew would contest custody. Language issues would have made self-representation even more difficult. The victim advocate was able to obtain an agreement with the university law clinic to have a law student, supervised by the clinic attorney supervisor, represent her for the full protection order hearing. However, the law clinic decided to drop the case just one day prior to the hearing on grounds that they did not have enough time to prepare. If Ramona had qualified for representation by the LSC funded legal services program she would not have been placed in this dangerous predicament and the attorneys representing her in the case would have been trained attorneys that specialize in domestic violence cases. Had Ramona qualified for trained, professional legal assistance, she would not have had to confront Miguel directly in court. Access to legal assistance would have made her experience far less traumatic

and would have helped assure that Ramona received a just and fair outcome of the case that would best protect her safety and that of her children.

NEW YORK

Albany

Lourdes is an undocumented immigrant from Colombia. While living in the United States she met Mike, whom she began dating. During their relationship, Lourdes suffered severe physical and emotional abuse. Mike subjected Lourdes to numerous beatings and verbal attacks almost on a daily basis. Lourdes could not go anywhere without being followed by Mike. He often made scenes in public, which would humiliate and scare Lourdes. She felt as though she was a prisoner. During one particularly violent incident, Mike set fire to Lourdes' car. Lourdes made several calls to the police and filed many police reports about Mike. Lourdes later learned that Mike had an extensive police record, which included many violent incidents.

The violence escalated so much that Lourdes took refuge in a domestic violence shelter. She needed to go in hiding because she feared for her life. She now lives in another state in an undisclosed location because she fears that Mike may stalk her and discover her current location.

Lourdes is undocumented and never married Mike. She qualifies for U visa protection because of her numerous police reports and her willingness to cooperate in prosecution of Mike for the domestic violence incidents he committed against her. Her only option for immigration relief will be the U visa. Under current Legal Services Corporation restrictions, Lourdes cannot receive assistance from LSC funded programs to assist her in filing her U visa or seeking a protection order against Mike. Equinox is assisting her in filing for the U visa. Only one program in Albany can provide assistance to immigrant women like Lourdes and that program is incredibly overburdened. LSC funded programs in the Albany are required to turn away immigrant victims like Lourdes seeking services.

City of New York

Vera is an immigrant from the Philippines. She came to live with her aunt and her aunt's husband, Paolo. Vera feared Paolo. He often made her feel uncomfortable. Sometimes he would make comments about her body and her appearance. One weekend, Vera's aunt left on a business trip, leaving Vera alone with Paolo. Paolo raped and stabbed Vera repeatedly, including stabbing her in the eye. He left her for dead. Despite the odds, Vera survived the attack, and is now blind in one eye. She has mental and physical health care needs as a result of the rape and the physical assault she sustained. Vera is receiving counseling and services from a sexual assault program. Paolo is being prosecuted for his rape and assault of Vera and Vera is willing to cooperate in the prosecution. Vera qualifies for a U visa as a rape victim, but cannot receive assistance from an LSC funded program because the perpetrator of the rape was her aunt's husband not her own husband. The LSC funded program in her community cannot represent her in either her U visa case or any case she needs to bring to keep her uncle from harming her again in the future.

Brooklyn

Eva is from Turkey. Eva was married to Tom with whom she had a child. Tom repeatedly abused Eva during their marriage. Eva and Tom were recently divorced. Despite the divorce the violence has continued. Contact between Eva and Tom is ongoing because they have a child together. There have been numerous incidents of violence including one occasion in which Tom grabbed Eva, pushed her, and slapped her twice in the face so hard that he injured her chin and caused her lip to bleed. Although Eva tried to call the police for help Tom physically stopped her from calling them. Eva is willing to cooperate with law enforcement against Tom and thus qualifies to file for a U visa. She also qualifies for a protection order and to receive an award of legal custody of their child. She cannot receive help from lawyers working at an LSC funded program because she is not married to her abuser Tom.

**

Jenny is an immigrant from Japan. She met her ex-husband, Mark, while studying in New York. Their courtship lasted over six years, with Mark proposing to Jenny in 2000. It was after they were married that Mark became abusive. Mark started pressuring Jenny into doing sexual acts that she was very uncomfortable with. Jenny would often protest, but when she did Mark turned violent. On one occasion, Mark pulled a knife on Jenny after she refused to have sex. It was not long after when Mark began raping Jenny on a regular basis. In addition to the sexual abuse, Mark constantly berated and verbally abused Jenny. After almost two years of abuse, Jenny eventually became severely depressed and withdrawn. Jenny contemplated leaving Mark. Sensing that Jenny may leave, Mark began threatening to deport Jenny. Jenny did not know about the laws in this country and believed that he had that power. Jenny eventually sought assistance with the New York Asian Women's Center, a domestic violence agency providing counseling and support services to Asian women in New York City. If Jenny were to turn for help to a Legal Services Corporation program she would be turned away because she her abuse is no longer her husband. Jenny should be able to access LSC funded lawyers to help her in the protection order and VAWA immigration case she qualifies to file. She is currently living in a new location and slowly rebuilding her life.

**

Madeline is a Haitian immigrant with three children. She met her abuser, Henry, while living in Brooklyn. They never married. They had two children together. In the beginning, their relationship started out like any other. Madeline was very happy to meet someone, especially someone like Henry. Henry was educated and also a Haitian immigrant, although he had been living in the United States for many years. Because he was educated and knew about life in the United States, he often used that to insult or demean Madeline. Madeline came from a poor family in Haiti.

Soon after the birth of their first child, Henry became increasingly abusive. He criticized the way she cared for the baby. He called her a "backward immigrant." It wasn't long before Henry became physically abusive. On numerous occasions, Henry punched and kicked Madeline. She required several hospital visits over the course of their relationship. The most serious incident happened when Henry stabbed Madeline in the face. Madeline needed extensive medical care after the incident. She received a three-year order of protection, the maximum allowed. Their relationship spanned over ten years and

produced another child. Henry finally left Madeline when he met another woman and moved to Florida. Henry never paid any child support. Henry left Madeline with two small children and no money to help support them. Madeline could not obtain help from a Legal Services Corporation funded program because she had never married Henry. Madeline had to go into Family Court to obtain a child support order on her own. Despite the court order, Henry still did not pay. Madeline was fearful about enforcing the court order. She thought that Henry may come back to harm her, or take the children away.

Henry surprised Madeline when he petitioned the Family Court for custody of their children. He cited that she was unfit to care for the children because of her immigration status and lack of education and employment. By this time, Henry was well-established in Florida and promised the children a better life in Florida. A law guardian for the children was assigned to the case. Madeline attempted to represent herself in court, but found herself at a disadvantage over Henry's attorney and the law guardian who seemed to take Henry's side. Madeline did not understand what was happening during the court process. The legal services restrictions severely limited Madeline's ability to fight to keep custody of the children and prevent the harm that could have been caused to them if they were placed in Henry's custody. She eventually found a non-LSC funded lawyer who fought and won the uphill battle to win Madeline custody. Without representation, Madeline would have surely lost custody of her children. Madeline's case illustrates how the LSC restrictions harm not only immigrant victims of domestic violence and sexual assault but also jeopardize the well being of their U.S. born children.

**

Nadine was an immigrant from Guyana. She has two children from a previous marriage. Nadine came to New York for a vacation to visit some friends. It was during this vacation that she met her future husband, Neil. Neil was one of her friend's neighbors. Neil was quick to try and romance Nadine. During her vacation he used every opportunity to visit her and show her around New York City. When she returned to Guyana, Neil kept in contact. He wrote her love letters and called her on the phone. He told her that he wanted to meet her children and wanted her to return to New York so they could be together. Nadine was hesitant at first, but felt very happy with Neil.

During another visit to New York, Neil proposed and they were quickly married in a civil ceremony. Nadine was able to also bring her children from Guyana to start a new life in the United States. After a few months of living together, Neil started to become very controlling. Neil did not like it if Nadine went outside of the home without him. He didn't like her socializing. He controlled the finances, so Nadine and the children were dependent on him for money. He started treating the children badly as well. He often berated them and made them feel uncomfortable. Neil eventually became emotionally and physically abusive towards Nadine and the children.

Examples of Neil's violent behavior included locking Nadine into the bathroom and threatening to kill her, stalking, and sexual abuse. On several occasions, Neil raped Nadine. As a result of the physical and sexual assaults and the emotional abuse Nadine suffers from post-traumatic stress disorder. After almost two years of abuse, Nadine, with the help of her family, left Neil. During the separation, Neil became more abusive and continued to stalk her and the children. Nadine eventually sought and obtained an order of protection.

Neil filed for divorce and Nadine was too afraid of Neil to object to the divorce. She thought this was the best thing to do to get him out of her life and her children's lives. Nadine did not know her rights. The fact of the divorce cut Nadine off from being able to be represented by LSC funded programs; however, she was still able to qualify for self-petitioning relief under VAWA so long as she filed for VAWA within two years of the divorce. Nadine had to find a non-LSC funded lawyer to help her file her self-petition within two years of her divorce. She and her children received approved VAWA self-petitions and are now eligible to adjust to lawful permanent residents. Nadine and her children are doing well and are now able put their painful past behind them. However, many immigrant victims in Nadine's position cannot receive the legal assistance they need due to LSC restrictions.

Bronx

Sara is an undocumented immigrant from Venezuela. Sara was abused by her ex-husband Jose, who is also an undocumented immigrant. Sara suffered from severe physical abuse at the hands of Jose. The abuse included threats to kill her, numerous beatings, and emotional abuse. Sara secured numerous orders of protection, and often had to return to Family Court because of repeated violations of the orders. Jose would not stop harassing her and threatening her. Sara tried to call the police to assist her. Sara felt helpless in her attempts to be safe and free from Jose. Nothing seemed to stop him. The police finally arrested him during the Family Court order of protection hearing for contempt.

Because Sara and Jose are undocumented immigrants and because Sara and Jose have divorced, Sara is not eligible for representation from LSC funded programs. Sara is willing to cooperate in Jose's prosecution and is eligible to file for and receive U visa protection. Due to LSC restrictions there is only one program in the Bronx that can assist immigrant victims like Sara, those that this program cannot serve are left without the assistance of any lawyers due to LSC restrictions. Although Jose has been incarcerated for the crimes he committed against Sara, Sara still lives in fear and is making preparations to find a secure location for herself, where she can finally be safe.

Bronx – Impact of LSC Restrictions on Immigrant Victims and Other Community Organizations That Provide Legal Services

The Legal Aid Society in the Bronx is not a LSC-funded organization. The Legal Aid Society receives a Legal Assistance to Victims (LAV) grant from the Office on Violence Against Women, Department of Justice. The grant currently funds one staff attorney for each borough of New York. The Legal Aid Society provides assistance in immigration, family, divorce, housing, and public benefits.

The Legal Aid Society is one of two legal organizations in the Bronx serving the Bronx community. The other organization is Bronx Legal Services, an LSC-funded organization. The LSC restrictions that preclude Bronx Legal Services from helping many immigrant victims of domestic violence, sexual assault and trafficking force the full burden of representation in a range of civil legal cases to fall on the Legal Aid Society. Currently, Bronx Legal Services does not have the capacity to provide immigration assistance to immigrant domestic violence and sexual assault victims who qualify for immigration relief.

The Legal Aid Society becomes overwhelmed with requests for assistance from immigrant victims and is forced to refer clients that they cannot serve to New York citywide organizations for assistance. The waiting lists are often months, sometimes years long, resulting in victims being referred to three, sometime four agencies before being told of the wait time. Unfortunately, many victims who have no place to turn end up returning to their abusers. Other victims go months and months without access to life-saving legal assistance, including protection orders, emergency child support and spousal support orders, custody, and visitation. In other cases, immigrant victims lose their children in custody battles to abusers who are often represented, lose their rights over marital property, which is often the sole source of income or property for the victims, and lose court-ordered protection because they are unable to represent themselves.

OHIO

Cincinnati

Monica is a twenty-two year old Hispanic woman from St. Luis Potosi, Mexico. Monica came into the United States with several other people from her village to find employment. She was brought to Cincinnati by a group of men who promised to find her employment.

The five men who brought her to Cincinnati also allowed her to live with them. Instead of helping her they took advantage of her and raped her repeatedly. They warned her that if she ever told anyone about the sexual assaults, rapes and gang rape they would kill her. One of the men held a gun to her head to prove how serious they were about their threats. Monica was too scared of losing her life or getting deported to report the violence. One of the five men eventually stood up for Monica. He told her that he cared about her and would make her safe by taking her away from the other violent men. He told the others to leave her alone because she belonged to him now. They moved into a separate home together and were living happily together for just a few months before he became angry with her and made her leave the house permanently.

Left without a home, Monica found herself a place to stay with the woman she worked for. While living at her employer's home, Monica, fell in love with and began a relationship with her employer's son, Sam. However, over time this relationship became violent. Sam began physically abusing Monica. He often smacked Monica across the face. He called her names that were demeaning and yelled at her while he smacked her. He routinely forced Monica to have sex with him. Eventually, Sam's repeated sexual assaults led to Monica becoming pregnant. When Monica told Sam about the pregnancy, he told her once the child was born, because she did not have legal immigration status in the United States, he would have the courts give him legal custody of the child. Monica was sick of the years of abuse and was scared of losing her child, so Monica decided to leave her home with Sam and her employer in order to escape this dangerous relationship.

Monica fled Sam and went to stay with a friend in the area. However, Sam stalked Monica, found her and began to threaten and harass the family Monica was staying with. As a result, Monica was asked to leave their home. The social worker at the prenatal clinic she was attending recommended Monica contact the YWCA of Greater Cincinnati's Battered Women's Shelter.

Monica entered into the Battered Women's Shelter on May 13, 2003. She was referred to Legal Aid of Greater Cincinnati for assistance with her immigration the shelter worker helping her. However, since Monica was not married to any of her numerous abusers and she was an undocumented immigrant, she did not qualify for Legal Aid's services. Due to the extensive work of her case manager, Monica did find a pro bono lawyer who was willing to take her case.

Monica soon entered the Transitional Living Program at the YMCA. At this point, Monica had no income, was not eligible for any public benefits, and was not able to work legally. Monica worked with a case manager and the pro bono lawyer to pursue documented status. Monica was informed that she would be eligible for a U Visa due to the crimes committed against her by Sam and because of the multiple crimes of rape she suffered. Victims of multiple violent sexual assault and domestic violence incidents need the support of both trained lawyers and advocates to move forward on their immigration and family law cases. Legal Services Corporation funded programs need to be free to offer what can be life saving legal assistance to immigrant victims like Monica who must overcome what can be years of violent attacks and threats of deportation to move forward with their lives.

Toledo

Gloria is an immigrant from Nicaragua. After coming to the United States, Gloria met Nikko. They fell in love and lived together for seven years. The couple had two children together and lived in an apartment with Nikko's family. Throughout their relationship Nikko constantly verbally and physically abused Gloria. She dreaded him coming home from work at night because the abuse occurred almost every evening. After a bad day at work, he would take out his anger on Gloria. He would yell at her for being stupid and tell her that in the United States she was worthless. As his anger escalated he would hit her. He would slap her across the face and shove her. She often had bruises on her arms from his tight grip. Aside from the verbal and physical abuse, Nikko isolated Gloria from everyone. He did not let Gloria talk to any family or friends and he also threatened to take her children away from her. In addition to the physical and verbal abuse, Nikko subjected Gloria to economic abuse. He had complete control over finances. She was not allowed to work or have any money. Nikko's family turned a blind eye to the abuse.

One night, during a particularly violent episode, Nikko shoved Gloria down a flight of stairs. As a result, Gloria's leg broke in three places. With a broken leg, Gloria was less able to cater to her husband, and as a result, the abuse only got worse. He would hit her as she was completely helpless and unable to defend herself due to her broken leg. She was afraid to go to the police about the abuse because Nikko told her if she did they would have her deported for being undocumented. Despite her fears of the police, Gloria did garner the courage and tried many times to get help from legal services organizations. She lived in Cincinnati, Ohio but could not find any local organization that could help her. Each turned her away based on LSC restrictions. Eventually, she found an organization in Toledo that was not funded by LSC and therefore was willing to help. With help from this organization, Gloria turned her abuser into the police and has the support she needs to cooperate in Nikko's prosecution. She is filing for legal status on her own under the U visa protections for immigrant crime victims.

Thankfully, Gloria got some financial assistance from a church and therefore was able to move into an apartment with her children. She now supports herself by cooking meals and selling them to construction crews. Gloria is much safer now but will have to continue to struggle to find an attorney who will represent her in filing for a Civil Protection Order and fighting for custody of her children. The attorneys helping Gloria with her immigration cases do not have expertise in domestic violence family law and protection order cases. Gloria wants to receive a protection order to help protect her against Nikko's retaliation, particularly in light of the fact that she will be testifying against him in the criminal case.

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Rose, a woman from the Dominican Republic, has been victimized by domestic violence more than once. Rose's husband whom she has been separated from for three years used to beat her up on a regular basis. Eventually, Rose escaped from her husband and went into hiding. She knows that her husband tried to file for divorce three times, but she is unclear if the divorce has been finalized. She is afraid to find out on her own, because then her husband will find where she has been hiding.

In her new home, Rose met Luis. Luis was very caring. Rose confided to Luis about the abuse she suffered from her husband. Rose and Luis soon started a romantic relationship. Rose felt safe and thought she was lucky to find love again. However, Luis began to abuse Rose as well. In the beginning, Rose tolerated the abuse because she felt it was normal since it was similar behavior to her former husband. On occasion, Luis would punch Rose in the face, leaving her with bruises. More often, the abuse would involve him pushing her or dragging her by her hair. As he hit her, he would yell at her for being lazy and worthless. One time Luis had been drinking heavily and his abuse was too much for Rose to handle. Rose tried to fight back, and managed to slap Luis on his face. In response, Luis stuck Rose across the face and she fell to the floor. While on the floor, Luis kicked her in the stomach. When she managed to get up, she called the police. When the police arrived however, the situation worsened. It was clear that a scuffle had taken place but Rose could not explain the situation to the police because she did not speak English. There were no visible marks on Rose because the bruises were hidden beneath her clothes. Therefore, when the police arrived and only spoke English, it was up to Luis to describe the situation. Luis told the police that his girlfriend had gone crazy and hit him, and that he was the victim. Due to her Luis' explanation of the event to the police, Rose was arrested. Rose did not understand how her attempt to get help resulted in her own arrest.

Rose is now too afraid to communicate fully with anyone regarding her repeated experience with abuse. Rose cannot receive LSC-funded assistance because she is not married to Luis. Rose's legal needs are extensive. She needs legal representation in what will be a complicated immigration case because of Rose's arrest, in obtaining a protection order against Luis and in her potential divorce from her abusive husband. However, the non-LSC funded program that Rose found to assist her is not qualified to handle all of these issues. In addition, despite the help from the non-LSC funded program, which has offered its services, the traumatic experiences that Rose endured left her terrified, emotionally shut down and frustrated. Currently, the non-LSC funded program is working to get Rose to open up about her experience so that they can try to find a way to help her.

**

Cynthia is a woman from Venezuela who was living there with her parents and only daughter. One afternoon, a friend of the family's, Patrick, called Cynthia with a proposition. He was from America and he and his wife were unable to have children. They were hoping that if they traveled to Venezuela, Cynthia would donate her egg to the couple. Cynthia's love for her daughter made her sympathize with the difficulties of the couple's situation and so she agreed. A few weeks later, Patrick called again to explain that he and his wife were more comfortable with American medical procedures and therefore they wanted to fly Cynthia to Ohio, where the couple lived, to undergo the procedure there. Feeling bound by her previous agreement, Cynthia agreed and reluctantly came over to America on a tourist visa. Cynthia arrived in America expecting a quick visit but the couple wavered on their decisions and soon enough Cynthia's visa expired without her participating in any egg donation. It was at this point when Cynthia became vulnerable and the danger began.

Cynthia was now living as an undocumented immigrant in the home of Patrick and his wife. She wanted to return to Venezuela but the couple insisted she stay until they completed the medical procedure. Once again, Patrick changed his mind and now wanted Cynthia to carry the child through artificial insemination. Cynthia was absolutely not interested in carrying the couple's child for nine months but Patrick threatened her and made her vulnerable. He told her she could get arrested for being in America illegally and she was being disrespectful to them by not obeying because they had spent so much money on her travels and accommodations. One night, Patrick tried to pressure Cynthia into sleeping with him. Patrick told Cynthia that he and his wife wanted Cynthia to get pregnant in this manner, but Patrick also told Cynthia that thinking about it was too painful for his wife so she was not to say anything to her about it. Cynthia did not believe Patrick's story and did not want to have sex with him. She repeatedly told him no and refused but he persisted. Patrick raped Cynthia that night, and Cynthia got pregnant.

Cynthia has since had her baby boy and is still living with Patrick and his wife as an undocumented immigrant. Cynthia speaks no English and therefore is not aware of the documents the family's lawyer makes her sign. Patrick has explained to her that since she gave birth, one of the many forms she unknowingly signed gave up custody of her child to Patrick and his wife. Cynthia is now stuck living in their home acting as the housekeeper. The family pays for food but Cynthia has no money of her own, they don't provide any transportation for her or let her contact anyone outside their home. Patrick tells her she cannot go home because her family will shun her for abandoning her daughter there and for what has happened in America. Patrick is an engineer and his wife works in the court system and they are an extremely influential family in their community. That community believes Cynthia is nothing more than a hired housekeeper, when in actuality she is the true mother of the child she is raising. Now, if Cynthia were to find a way to get home she would have to choose between leaving her baby boy behind with this dangerous family, or staying as a slave in this American home and leaving her daughter in Venezuela to grow up without her mother.

When both the parents are at work, Cynthia uses the phone to try and get help. No legal services organizations are willing to take her case because her abuser is not her husband. She needs legal help to get custody of her baby boy back so that she can go home to Venezuela and move her family past this terrible incident. She also needs legal assistance in punishing her rapist for his despicable secrets. As of

now, due to legal services funding restrictions, Cynthia will not be able to get the help she needs and will remain trapped in her terrible situation.

PENNSYLVANIA

Harrisburg

Mai is an undocumented immigrant from Vietnam. She met her abusive boyfriend, Michael, in the United States. Mai and Michael lived together for almost four years and have a daughter together, Lynn. Michael was an alcoholic and drug abuser. He was drunk or high on drugs almost every day. Whenever he was high or drunk, he would become physically and emotionally abusive towards Mai. On several occasions, Michael hit Mai in the head. Michael's blows to Mai's head were so severe that she suffers from permanent ear damage. Michael used immigration threats to keep Mai from reporting the domestic violence. Michael threatened to call immigration authorities on Mai and have her deported. He said he would make sure that she would never see Lynn again. Mai could not work because Michael controlled her every movement. Mai was financially dependent on Michael. Sometimes Michael would spend most of the money he earned at his job on his alcohol and drugs, and Mai would have to resort to asking a neighbor for basic necessities for Lynn and herself. The neighbor who helped her was sympathetic to Mai's situation.

One night, Michael began arguing with Mai and pushing her. Michael started getting more aggressive and started punching her in the stomach. The neighbor heard Mai's screams and called the police. Michael was arrested and Mai cooperated in his prosecution. Michael is currently incarcerated. With the help of a non-lawyer advocate, Mai is currently applying for immigration relief under the U visa as a cooperating immigrant crime victim. The U visa will allow her to receive employment authorization so that she can support herself and Lynn. She has tried to seek assistance from legal services, but is ineligible because she never married Michael. Mai has tried to apply for public benefits for Lynn, a U.S. citizen, but was wrongly denied benefits for Lynn because she was undocumented. The denial could have been prevented if Mai could receive help from a legal services lawyer. Mai, with the assistance of a domestic violence advocate, was able to receive a protection order that protects both herself and Lynn against Michael. Mai needs help from legal services in her U visa immigration case, to obtain custody and potentially to enforce her protection order. It's very difficult to find legal assistance. The only option for low-income clients is legal services and Mai does not qualify for assistance.

TEXAS

Austin

Marta is a 10 year old undocumented girl from Mexico. She came to Texas with her family. Her parents came to the United States to work and provide a better life for Marta and her siblings. Marta lived in a small house with her parents, siblings, and uncle. She often caught her uncle looking at her. She felt very uncomfortable, but did not really know why. Her uncle often told her that she was very pretty. He told her that one day she would have a boyfriend. Marta did not like being alone in the same room with him.

One morning Marta woke up about 1:00 or 2:00 a.m. with her uncle on top of her. She was frightened. When she was able to get out of bed and she saw a red mark he had left on her neck. She tried to run from her uncle, but he grabbed her and threatened that if she told anyone what had happened he would kill her family. Marta was able to flee to the bathroom. When she returned her uncle was no longer in the bedroom. She took advantage of the opportunity and hid from her uncle in another part of the house. Unable to find Marta when he returned to her room, her uncle went to his own bedroom.

The next morning Marta was scared but she told her mother what had happened, and her mother immediately notified the authorities. Her uncle was arrested that next day and charged with aggravated sexual assault of a child and injury to a child. The emotional damage to Marta was severe and she is still recovering from the attack. Marta and other child abuse victims like her who are sexually and physically abused by family members or other persons who are not their parents, are ineligible to receive LSC-funded legal assistance. Marta was able to find immigration assistance to help her file her U visa immigration case, from the only program in her area that offers this assistance to undocumented immigrants like Martha who do not qualify for representation by LSC funded programs.

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Maria met Antonio in Mexico. Antonio brought Maria across the border into the United States and helped her find work once she arrived in Texas. Maria soon realized, however, how costly Antonio's assistance would be. Antonio expected to be paid for his help by requiring that she do anything he desired, sexually and otherwise. He used her ignorance of U.S. law and her desperate situation as an undocumented immigrant to maintain his ability to abuse her physically and sexually. Antonio told Maria that he would have her arrested and deported if she ever reported the abuse she was suffering. Antonio also threatened to kill her two children, whose location he knew in Mexico, if she ever reported him to the police. Trapped, afraid, and alone, Maria stayed with Antonio because she did not believe that she had any other option. Antonio's sexual assaults of Maria resulted in Antonio getting Maria pregnant.

Maria had Antonio's child, Pedro. Antonio's physical and sexual abuse of Maria continued during her pregnancy and after Pedro's birth. Maria finally found the courage to leave Antonio when she realized that he was also abusive towards their child, Pedro. With the help of friends, she sought help from a domestic violence shelter. With the help of advocates there, she filed a police report against Antonio.

Maria is ineligible to receive LSC funded legal assistance, despite her long term victimization by sexual assault that resulted in her having a child in common with Antonio, because she and Antonio were never married. The non-profit legal services program that is not funded by LSC has an enormous case load and long waiting lists so Maria was lucky to receive their help when many immigrant victims are turned away. They are assisting Maria in filing her U visa crime victim case. The lawyers working for the non-profit that are helping Maria with her immigration case do not handle family law cases. Antonio continues to threaten Maria, despite their separation. He is trying to keep her from helping in his criminal cases and may seek custody or visitation with Pedro. Maria wants to obtain a protection order and to initiate a family law case to obtain legal custody of Pedro. She also wants to limit Antonio's

ability to obtain unsupervised visitation with Pedro, because she fears that Pedro will continue to be abused by Antonio. The LSC funded legal services program cannot represent Maria in her family law and protection order cases, because of LSC restrictions. The domestic violence program she is working with is still trying to locate a pro bono lawyer for her.

VIRGINIA

Arlington County

Julia and her 12-year old daughter, Andrea, are immigrants from Mexico. After arriving in the United States with Andrea, Julia met Pablo and began a relationship with him. Pablo is not Andrea's father. Pablo and Julia dated for several years. Over the years of her relationship with Pablo, Julia experienced an escalating pattern of abuse perpetrated against her by Pablo. Pablo often beat Julia, slapping and punching her on an almost daily basis. Julia had tried many times to break off the relationship, but Pablo stalked her and always came back. He never wanted Julia to be away from him. One night, Pablo followed Julia to her workplace and kidnapped her while at work. Pablo took Julia to a secluded area of town and severely beat her by slamming her head repeatedly into the ground, causing injuries to her head and face. When Julia finally made it home, Andrea immediately called the police for help. Julia was sent from her rural neighborhood via helicopter to the Shock Trauma Unit in a metropolitan city. Pablo was arrested and sentenced to one month in jail. When he was released from jail, Pablo was furious and determined to take revenge on Andrea for calling the police when she saw the extent of her mother's injuries. Pablo knew where Andrea went to school. Pablo laid in wait for Andrea on her normal route home from school. He kidnapped Andrea and raped her. Andrea became pregnant because of the rape.

Despite the horrors of the crimes committed against them by Pablo and the fact that they are cooperating witnesses in two separate criminal prosecutions against Pablo, neither Julia nor Andrea can receive legal representation by LSC funded lawyers in their cases against Pablo. Julia cannot receive assistance because Pablo was not her husband. Andrea does not qualify for representation because she is a sexual assault victim, although Pablo could seek custody and visitation with the child born of the rape.

Both Julia and Andrea cooperated with the prosecutor and police. Each of them separately qualifies for a crime victim U visa because they each were victims of crimes perpetrated by Pablo. Julia and Andrea were able to find non-LSC funded lawyers to help them file their U visa immigration cases from one of the few non-LSC funded legal services programs in Virginia. However, Julia and Andrea are still in desperate need of representation in family court to obtain protection orders against Pablo and to assure that Pablo never receives custody of the child born of the rape. Immigrant victims, like Julia and Andrea, need access to the expertise of Legal Services lawyers to assist them in these important cases.

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Carmen is an elderly woman who moved to Northern Virginia from Bolivia. She is actively involved in her church. Carmen was on her way to church when a stranger approached her, dragged her into the woods along Route 50 in Virginia and brutally raped her. Carmen's injuries from the rape were so severe that she required three days hospitalization. Carmen continues to recuperate from both the

physical and emotional consequences of the unspeakable sexual violence she endured. Her recovery is slow, painful and very difficult. Carmen has been so terrorized by the brutal rape that she still cannot bring herself to leave the safety of her home alone. The police continue to investigate the incident, but to date they have not been able to locate Carmen's rapist. Carmen continues to cooperate with the police providing information crucial to the rape investigation and apprehension of the rape perpetrator. An LSC funded organization in Virginia could not represent Carmen in her U visa immigration case, because she was a victim of stranger rape and not domestic violence perpetrated by her spouse. Victims like Carmen need to be able to access LSC funded lawyers who can both help her obtain her crime victim visa under VAWA and also support her in the criminal investigation of her rapist.

Chesterfield County

Lupe and her boyfriend Jose both immigrated separately from Mexico and met in the United States. They both live in Chesterfield County, Virginia. Although they never married, they lived together for many years and have four children together, ages 3, 4, 8, and 9. All of their children were born in the United States. Jose was very controlling and abusive. Jose held Lupe hostage in their home. He isolated her and deprived her of basic necessities so she would not leave. Lupe was fully dependent on Jose for key life necessities for herself and their children – all food, clothing, and shelter. Jose's pattern of abuse included economic isolation and severe sexual abuse. He raped Lupe almost on a weekly basis. Lupe endured this abuse for almost ten years.

Lupe was finally able to contact an Hispanic domestic violence outreach program in Chesterfield County seeking help. Lupe suffered from severe depression and low self-esteem as a result of the abuse. Lupe had no idea until the battered women's advocate told her that locking her in the house, depriving her and the children of food, battering and rape were against the law. The battered women's advocate tried without success to help Lupe find a legal services lawyer from an LSC funded program to represent Lupe in her protection order, custody and immigration cases. Legal Aid was unable to represent her because of her immigration status and because she was not married to Jose. With no other option the advocate herself accompanied Lupe to court to help her obtain a protection order, because it was too dangerous for Lupe to go without one. After receiving a protection order, Lupe still needed a lawyer to represent her in her custody case against Jose. Lupe had no money to pay for a private attorney to represent her. With LSC funded programs shut off to Lupe, the local domestic violence program took up a collection to raise funds to help Lupe hire a private lawyer for her custody case. Lupe now has custody and is currently living free and safe from Jose. Unfortunately, Lupe is a rare case. Most immigrant victims go on without any legal assistance. Many lose child custody and child support and are unable to obtain protection orders because of the lack of legal representation. Further, the attorneys with the most expertise working with domestic violence victims like Lupe in custody cases in most communities work of the LSC funded legal services program. Most private lawyers have not been training on domestic violence issues and as a result can often mishandle the case. Fortunately, this did not happen to Lupe.

The domestic violence program that helped Lupe serves a significant number of Hispanic immigrants. Chesterfield County has the highest population of Hispanic immigrants in the metro-Richmond area. The program provides a range of services to victims of domestic violence, including victim advocacy,

referrals, and counseling. What is particularly remarkable about Lupe's story is that she found her way to the one Spanish-speaking counselor in the program.

WEST VIRGINIA

Westover

Abby is an immigrant from Tanzania. She came to the United States on a student visa approximately three years ago. She has a 2-year old daughter, Sylvia, with her boyfriend, Timothy. She met Timothy while in school. Timothy quickly swept Abby off her feet. Abby was lonely and needed the attention. She met only a few people in school and had no family with her in the United States. Timothy soon became controlling. He would not allow Abby to go anywhere without Timothy. He made it difficult for Abby to call her family in Tanzania and eventually forbade any communication with them. It made her studies extremely difficult. She became pregnant and Timothy moved into her apartment. Timothy convinced Abby to quit her studies in order to care for Sylvia. The abuse escalated during the pregnancy to physical violence. Timothy was extremely abusive, subjecting Abby to repeated beatings and violent threats. He often told Abby that he would report her to immigration if she said anything about the abuse to anyone. He told her that he would make sure that she would never see their child again. Abby believed that Timothy would have her deported and she would never be able to see their daughter, Sylvia again. Through the help of Abby's friends and counseling, Abby and Sylvia eventually moved out. Timothy has since filed for custody of Sylvia. Abby is very afraid because she knows that Timothy will try and use her immigration status against her.

Abby sought help from an LSC funded legal services program in West Virginia to help her in the custody case filed against her by Timothy. She is very concerned about how she could protect Sylvia from Timothy's abuse if he is awarded custody of Sylvia. She is afraid Timothy will gain custody because he is a U.S. citizen and she is undocumented. The LSC funded program cannot represent Abby because her abuser, Timothy, is her boyfriend and father of her child, but not her husband. Abby is forced to try to find other legal representation in both her custody case and her domestic violence related immigration case. Other than the LSC funded program that is barred by restrictions from offering help to Abby, there are very few other programs that can help victims like Abby and most of these have little or no experience working with immigrant victims.

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Maria is an immigrant from Mexico. She lived with her abuser, Pedro, also from Mexico. Both Pedro and Maria were undocumented. Pedro was very abusive, physically, mentally, and sexually. He slapped and punched Maria almost on a daily basis. He repeatedly forced Maria to engage in sexual relations against her will. His rapes of Maria resulted in her becoming pregnant. Maria feared for her own safety and that of her unborn child. Despite her fears of retribution and violence, Maria found the courage to leave Pedro and the residence they shared together. Maria went to a shelter in a confidential location where she could receive services and support and be safe from Pedro. Although Maria very much wanted to seek a protection order against Pedro from the court, when she sought legal assistance, she

had to be turned away from the LSC funded legal services program because she and Pedro were not married and because Maria was undocumented.

Maria's search for an attorney to represent her failed. She was not able to obtain a protection order and feared that it was too dangerous to remain in West Virginia without one. Maria spent a few months in shelter during which time her daughter was born. She was ultimately able to contact relatives in another state with whom she and her newborn daughter could live. At this time Pedro does not know that she has relocated. Unfortunately, lack of access to legal assistance meant that she had to move out of state without first obtaining a protection order against Pedro that could be enforced under the full faith and credit provisions of the Violence Against Women Act if Pedro tried to find her.

WISCONSIN

Currently, only one program provides legal services to immigrant victims of domestic violence for Columbia, Dane, Dodge, Green, Jefferson, Rock and Sauk Counties in Wisconsin. This program is one of the few programs in the state of Wisconsin that provides representation for immigrant victims in protection order, custody, divorce, and immigration cases. This Office on Violence Against Women funded program has only two staff attorneys and is inundated with cases that LSC funded organizations are unable to take. The stories below illustrate examples of immigrant victims who are being turned away from LSC funded programs in Wisconsin.

Madison

Sonia is an undocumented immigrant from Honduras living in the United States with her extended family members. She met Jose, another immigrant from Honduras, through family friends. She saw Jose occasionally at church or community functions, but did not think much of him. Jose was a friend of Sonia's cousin-in-law. Sometimes Jose would comment and say that Sonia was pretty, but Sonia was not interested in Jose. Sonia had a boyfriend back in her home country. One day Sonia was alone in her apartment. Her cousin-in-law mentioned that Jose would be stopping by to pick up some CDs. When Jose came over, he again complimented Sonia. Sonia was very uncomfortable. Jose then tried to touch Sonia and kiss her. Sonia refused. It was then that Jose grabbed her and forced himself on Sonia, raping her. Sonia was devastated and ashamed. She did not know what to do. Her cousin, Beatrice, later came home and Sonia told her what happened. Beatrice took Sonia to the hospital and the hospital referred her to the local sexual assault center.

With support from sexual assault victim advocates, Sonia is cooperating with prosecutors and police in Jose's prosecution for rape. Based on this cooperation and the substantial harm caused to Sonia by the rape, Sonia qualifies for protection from deportation under the crime victim visa (U visa) provisions included in VAWA 2000. Despite this fact, Sonia must be turned away from an LSC funded legal services program due to restrictions on representation of immigrants. Sonia should be able to receive legal assistance in her immigration case and any restraining order case she might file from a LSC funded program. Too often rape victims like Sonia are left without any access to legal representation.

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Mary is an undocumented immigrant from the Philippines. She lived with her abuser, Paul, for almost four years. They never married. They have a three-year old daughter, Lynn. Mary met Paul through mutual friends. At first Paul was very loving and caring. Sometimes Paul would be jealous of Mary's friends and family, but Mary thought it was only because he loved her so much. Over time, Paul's jealousy and control increased. Paul isolated Mary from almost all of her friends and family. Paul often monitored her phone calls, e-mails, and visits. Mary has been faithful to Paul. Despite that fact, Paul has repeatedly accused Mary of cheating. Paul threatened Mary that if he ever caught her cheating that he would kill her.

Mary worked in her family's dry cleaning business. Paul often came to Mary's work and got jealous any time he saw Maria talking to any male co-worker. Communication with male co-workers is a necessary part of Mary's work. Sometimes Paul followed Mary to work just so he could keep an eye on her. Mary was afraid. Paul had a very violent temper. He believed what he wanted to believe no matter how much she tried to convince him she wasn't cheating.

One night, Mary worked late because of an order she had to finish for the next day. She called home to tell Paul that she would be late, but she was unable to reach him so she left a message. Another worker was working with Mary that night. Later that evening, Paul came charging into the store and confronted Mary. He saw that she was not alone and stabbed Mary and her co-worker numerous times. If it had not been for a passerby who saw Mary and her co-worker bleeding on the floor of the store, Mary and her co-worker would have died from the stabbings.

Mary fully cooperated with the prosecutor and police. Paul was convicted of attempted murder and is currently serving time in the state penitentiary. As a cooperating witness in this criminal prosecution who suffered substantial injury as a result of the attempted murder, Mary qualifies for a crime victim visa (U visa). Mary, however, cannot be represented by an LSC-funded legal services agency in her U visa case or any other court case, including any protection order case she may need in the future. Although Mary did find legal representation in her U-visa application that will help her remain in the United States with her daughter, Lynn, many immigrant victims like Mary will be turned away from LSC funded services and will not be able to find representation.

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Yolanda is an undocumented migrant farm worker from Mexico who lived in Arizona when she met Miguel. Yolanda worked very long hours and did not know many people outside of the migrant camp in which she lived. Yolanda did not speak any English. Miguel, another migrant farm worker, was her co-worker. Miguel had been working in that camp much longer than Yolanda and Miguel was sometimes responsible for supervising her work. One day Yolanda and Miguel were working alone together in the fields. Miguel approached Yolanda and sexually forced himself on her and raped her. Due to the rape Yolanda sustained physical and emotional injuries. Yolanda told one of her women co-workers living in the migrant farm worker camp about the rape. Her co-worker told Yolanda that if Yolanda went to the hospital for help and treatment of her injuries, the hospital employees would ask her a lot of questions and they may even deport her back to Mexico. Yolanda was bleeding and was injured. It was several days before anyone helped Yolanda get any medical treatment. A few weeks later,

Yolanda learned that she was pregnant with Miguel's child. Yolanda was scared and ashamed. The woman in the camp spoke to Miguel and told him to live with Yolanda so that she would not be shamed. Yolanda felt there was no choice for her and her baby but to live with her rapist. When Yolanda and Miguel began living together, Miguel's physical, sexual and emotional abuse continued and escalated. He sexually abused and raped Yolanda whenever he pleased. Yolanda suffered deeply. Sometimes her injuries were so severe that it was very difficult for her to work.

Miguel eventually moved Yolanda and their baby, Carmela, to Wisconsin where Yolanda had no friends, no family and no support system. Miguel continued to rape and physically abuse Yolanda on a weekly basis. One night, a neighbor overheard Yolanda's screams and called the police. The police arrived and arrested Miguel. Yolanda cooperated with police and prosecutors, resulting in Miguel's conviction. Miguel is currently serving a prison term for convictions related to his abuse of Yolanda. Yolanda qualifies for relief under the U visa crime victim provisions of VAWA. Yolanda and Carmela are now living in a shelter in Wisconsin. If Yolanda were to seek legal assistance at an LSC funded program, as a rape victim and as a domestic violence victim, Yolanda could not be represented due to LSC funding restrictions.