

What Is Immigration-Related Abuse?

When a family member or employer:

- Threatens to have you deported or arrested;
- Threatens to withdraw sponsorship for your green card;
- Takes away your passport and/or identification documents;
- Threatens to take custody of your children because of your immigration status; and/or
- Threatens to fire you, demote you or to not pay your wages.

What Is Domestic Violence?

Domestic violence includes physical violence (for example: punching, slapping, pushing, or threatening you with a knife), sexual violence (like forcing you to have sex when you do not want to), psychological and verbal abuse (like constantly calling you names), isolation (like telling you that you cannot talk to your family, or stopping you from getting a job or learning English) and economic abuse. Domestic violence happens to people of all ages, genders, sexualities and economic, racial, ethnic and religious backgrounds.

What Is Human Trafficking?

Human trafficking is an extreme form of labor exploitation where a person is recruited, often with false promises of a good job and better life, and then caused to work against her will through force, fraud or coercion. Trafficking victims often experience *exploitation*—such as nonpayment of wages and long hours without overtime pay or time off—and *physical and psychological abuse*—including beatings, sexual abuse, food and sleep deprivation, threats to themselves and their family members, and

isolation from the outside world. Human trafficking occurs in many industries, including domestic service, construction, the sex trade and factory work.

What Is Workplace Sexual Harassment?

Workplace sexual harassment is any unwanted sexual act or behavior against an employee. This treatment can make you feel uncomfortable and afraid, and can include unwelcome touching, vulgar remarks, requests or demands for sex, promises of job benefits based on sexual favors, threats of firing for rejecting sexual demands or requests and sexual assault. A person of the same or opposite sex may commit sexual harassment, and sexual harassment can be committed by a coworker, supervisor, or boss. It is against the law for an employer to retaliate against an employee who has rejected sexual harassment or filed a sexual harassment complaint.



Is There Protection Under the Law For Immigrants Who Are Abused?

The Violence Against Women Act (VAWA) is a federal law created to help protect immigrants who are victims of domestic violence or other crimes, including sexual assault. VAWA allows some battered and abused spouses, children and parents to obtain lawful status through immigration applications called self-petitions. Immigrant women who experience crimes like sex-

ual assault or forced labor may qualify for U visas or T visas.

What are VAWA Self-Petitions?

A VAWA self-petition allows women and men who experience abuse from their U.S. Citizen or Lawful Permanent Resident spouses, parents, or adult children to petition for themselves for lawful immigration status. The abuser does not need to sponsor or cooperate with the self-petitioner.

What Are U and T Visas?

A U visa is a nonimmigrant visa that allows non-citizen victims of crime, including domestic violence and sexual assault, who are helpful to law enforcement to stay in the U.S. You do not need to be married to the crime perpetrator and the perpetrator does not need to have legal status in order for you to qualify for a U visa.

A T visa is a nonimmigrant visa that allows non-citizen victims who have been brought into the U.S. for sex or forced labor to stay in the U.S.

With both you can get a work authorization and then apply for a Tennessee driver license. After three years you can apply for a green card.

Will the person who committed domestic violence, sexual assault, or other crime be notified by U.S. Citizenship and Immigration Services (formerly INS) that I have filed a self-petition or for a U or T visa?

The law prohibits the immigration agency from contacting the perpetrator of the crime, so you can self-petition or apply for a U or T visa without fear of retaliation. To find out if you are eligible for these protections, call TCADSV at 800-289-9018 on Tuesday or Thursday, 8:30 am—12:30 pm.

Your Rights as an Immigrant Domestic Violence Victim

Like all domestic violence victims, even if you are undocumented, you have the right to seek:

- A court protective order (which can keep your abuser away from you) and police enforcement. Contact Legal Aid at 888-395-9297 for assistance;
- Custody of your children;
- Divorce;
- Child and/or spousal support; and
- Public benefits for yourself and your children if eligible. Contact Legal Aid at 888-395-9297 for assistance.

Your Rights as an Immigrant Worker

Like all workers, regardless of your immigration status, you have the right to:

- Be free from discrimination because of your gender, including sexual harassment;
- Earn a minimum wage and, depending on your job, overtime; and
- Complain about unlawful working conditions without being retaliated against.

Contact Southern Migrant Legal Services at 866-721-7828 for help with your rights as a worker

Will I be Deported if I Exercise My Rights?

If you are undocumented or are not sure about your immigration status, you should seek the advice of an attorney to see if you can legalize your status and also do what is necessary to keep yourself safe.

What to Do if You Are an Immigrant Victim of Domestic Violence or Sexual Assault

1. Call the police or 911 if you are in immediate physical danger.
2. Talk to someone about what you are experiencing. You do not have to face abuse alone. You may be able to get help through shelters, hospitals, police, Legal Aid or other community services. To locate these resources, call the TN Domestic Violence hotline at 800-356-6767.
3. Create a safety plan that takes into account the things you and your children will need if you must leave your home quickly, such as a safe place to go and your important documents and phone numbers.
4. Try to keep any records describing abuse including police reports, medical records, photographs, etc.
5. If you leave your home, try to bring important documents with you, such as identification for you and your children and any immigration papers. Information about your partner and your relationship might also be helpful, including copies of your partner's birth certificate or passport, your marriage certificate, and any bank records, pay check stubs, rental records and/or tax returns.
6. Consider filing for a protective order against your abuser. A protective order is issued by a judge and can prohibit an abuser from coming near, assaulting or contacting you or your children. For help with protective orders, call the TN Domestic Violence hotline at 800-356-6767.

7. Consult with an attorney about your immigration and other legal options. Do not work with a notario. To find an attorney, contact the Bar Association Lawyer Referral Service for your area:

East Tennessee: (865) 522-7501
Middle Tennessee: (615) 242-6546
Southeast Tennessee: (423) 756-3222



What to Do if You Are an Immigrant Who Is Exploited or Abused at Work

1. Call the police or 911 if you are in immediate physical danger.
2. Talk to someone about what you are experiencing. You do not have to face abusive employment alone. You may be able to get help through Legal Aid or other community services.
3. Try to keep any records describing abuse including a journal, police reports, medical records, photographs, etc.
4. If you are a domestic worker, live with your employer, and leave your home, try to bring important documents with you, such as identification and any immigration papers.
5. Consult with an attorney about your immigration and other legal options. Do not work with a notario.

Who Can Help

For Immediate Legal Help or to Locate a Shelter

National Domestic Violence Hotline
1-800-799-SAFE (7233)

Tennessee Domestic Violence Hotline
1-800-356-6767

United 2-1-1
Memphis: 866-735-7211
West Tennessee: 731-422-1816
Middle Tennessee: 800-318-9335
East Tennessee: 866-588-4211

For More Information

Tennessee Immigrant & Refugee Rights Coalition (TIRRC)
Phone: 615-833-0384
www.tnimmigrant.org

ACLU-TN
Phone: 615-320-7142
www.aclu-tn.org

TCADSV Immigrant Legal Clinic
Tues. & Thurs., 8:30 am—12:30 pm
800-289-9018

<http://www.tcadsv.org/TCADSV%20Immigrant%20Legal%20Clinic.htm>

The women in the photographs are models. Rev. 06/10.

Are You an Immigrant Woman Who Has Experienced:

- **Threats?**
- **Abuse at Work or at Home?**
- **Sexual Harassment or Assault?**

