

Free & Confidential Resources

IMMIGRATION HELP

If you think you or someone you know might qualify for one of the immigration options described in this guide, or if you have questions about your immigration status, please contact the **Immigrant Legal Advocacy Project of Maine** to learn more.

Toll Free Helpline

1-800-497-8505

HELP FOR VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE

If you or someone you know needs protection from domestic violence or sexual assault, please contact Maine's 24-hour statewide helplines:

Toll Free Domestic Violence Helpline:

1-800-559-2927

Toll Free Sexual Assault Helpline:

1-800-871-7741

FOR ADDITIONAL SUPPORT CONTACT:

Immigrant Resource Center of Maine

207-753-0061

Pine Tree Legal Assistance

207-784-1558

Safe Voices

207-795-6744

Sexual Assault Prevention & Response Services

207-784-5272

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For More Information Visit:

Immigrant Resource Center of Maine

www.ircofmaine.org

Sauti Yeti Center for African Women and Families

www.sautiyetu.us

Pine Tree Legal Assistance

www.ptla.org

Safe Voices

www.safevoices.org

Maine Coalition to End Domestic Violence

www.mcedv.org

Sexual Assault Prevention & Response Services

www.sapars.org

Maine Coalition Against Sexual Assault

www.mecasa.org

Immigrant Legal Advocacy Project of Maine

www.ilapmaine.org

Cumberland Legal Aid Clinic

<https://mainelaw.maine.edu/public-service/clac/>

This brochure is meant to provide accurate information for advisory purposes only. This guide is not legal advice. If you think you have a legal problem, please seek the help of an attorney.

This guide was originally created by student attorneys at the Cumberland Legal Aid Clinic, Refugee and Human Rights Program, University of Maine School of Law and updated with permission by the Legal Assistance for Victims Tri-County Advocacy Partnership in 2018.

Copies available in French, Arabic, Somali, Kirundi, Portuguese, Kinyarwanda, and Spanish.

Information + Resources:

A GUIDE

for Immigrant Victims of Domestic Violence and Sexual Assault



Help and protection is available for every victim of domestic violence and sexual assault in Maine, regardless of immigration or citizenship status.

Immigration-related protections may also be available for immigrant victims of domestic violence and sexual assault. Immigrant victims without immigration status may obtain the protection of “legal permanent immigration status” through U-Visa, T-Visa, VAWA, and Asylum applications.

Domestic violence and sexual assault are illegal in Maine and the United States of America. All people, regardless of race, color, religion, sex, age, ethnicity, sexual orientation, disability, national origin or immigration status are protected from abuse under the law.

THERE IS HELP AVAILABLE.

Protection From Abuse Order (PFA)

Are you an immigrant who is experiencing domestic violence, sexual assault, or stalking but are afraid to ask for help/contact advocates, police, and/or courts because of fear of deportation?

For example, “my partner beats me but I’m afraid if I tell somebody, we will both get in trouble”.

If you are a victim of domestic violence, sexual assault, or stalking you can seek help regardless of your immigration status.

For example, you can obtain a legal form from the courts called a Protection From Abuse (PFA) order, which is a paper signed by a judge ordering the abusing partner to stop the violence or face arrest. A PFA order can also address who lives in a house and custody of children on a temporary basis.

In Maine, a PFA order can be obtained when there is abuse between current or former family, household members, or dating partners. For example, husband, ex-husband, wife, ex-wife, brother, sister, grandparents, adult children, boyfriend, girlfriend, etc. PFAs can also be obtained when there is sexual assault or stalking regardless of relationship.

Immigration Consequences

Obtaining a PFA will not cause any immigration action against you. But, your abuser might be deported if he or she violates a PFA order. For example, if the abusing partner does not follow what is written in the PFA order issued by the court, then they have violated the PFA order.

WHAT IS DOMESTIC VIOLENCE?

Domestic violence is a threat or act to control or harm an intimate partner or family member through threats, physical harm, sexual assault, emotional abuse, intimidation, stalking, strangulation, and immigration related threats.

WHAT IS SEXUAL ASSAULT?

Sexual assault is any kind of sexual activity without permission. It includes rape, attempted rape, other forms of sexual assault, sexual touching, and sexual harassment. It also includes sending or sharing sexual images, sexual stalking and reproductive control.

Four Possible Immigration Options For Victims of Violence

01. U-VISA

Are you a victim of a crime that occurred in the U.S. and resulted in physical and/or mental abuse?

Regardless of your immigration status, you may qualify for a U-Visa if you are a victim of domestic violence, sexual assault, stalking, or another crime, even if the crime occurred in the past, and you are willing to help the authorities in their criminal investigation or prosecution. In some cases, sharing information about the crime with a judge when seeking a PFA, may be enough to help you qualify.

02. OBTAINING A GREEN CARD THROUGH THE VIOLENCE AGAINST WOMEN ACT

Are you an immigrant who has been abused by your spouse who is a U.S. citizen or green card holder?

Regardless of your current immigration status, you may qualify for a green card through VAWA if your spouse or former spouse who is or was a U.S. citizen or Lawful Permanent Resident (“green card” holder) abused you physically and/or sexually.

In cases of domestic violence, U.S. immigration law allows certain victims of abuse who are not U.S. citizens to obtain a green card without having to rely on their abusing spouse to petition for a green card for them.

The government cannot use information from your abuser against you in immigration proceedings.

03. T-VISA

Are you a victim of labor trafficking or sex trafficking?

Regardless of your immigration status, you may qualify for a T-Visa if you:

- Are a victim of labor or sex trafficking;
- Would face extreme hardship/extreme danger if forced to leave the United States; AND
- Are willing to assist law enforcement to prosecute the individual(s) responsible.

04. ASYLUM

Did you flee your country of origin because of domestic or sexual violence?

Regardless of your immigration status, you may qualify for asylum if you experienced domestic or sexual violence in your country of origin, the government in your home country is unwilling or unable to protect you, and as a result, you fled and are afraid to return.

If you believe you qualify for one of these immigration choices detailed above, search for and contact an immigration attorney.

WHAT IS ABUSE?

Abuse includes, but is not limited to:

Emotional: any attempt to hurt or control someone else. For example, threats, intimidation, manipulation, controlling access to money, isolation, threats of harm involving your children, etc.

Physical: any attempt to use size, strength, or presence to hurt or control someone else. For example, pushing, punching, shoving, throwing things, grabbing, threatening with an object, strangling, etc.

Verbal: Use of words to hurt or control someone else. For example, threatening to kill and use violence, threatening family/friends, etc.

Stalking: following, harassing, tracking the whereabouts of another

Sexual Abuse: any unwanted sexual contact. For example, forced sex, forced marriage, rape, unwanted touching, child sexual abuse

