

SUMMONS
DOMESTIC RELATIO

domestic violence

CHICAGO POLICE DEPARTMENT

DOMESTIC VIOLENCE IN CHICAGO

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Protection for Immigrant Victims of Domestic Violence

Victims of domestic violence who are undocumented or whose immigration status is dependent upon their abuser are in an extremely vulnerable position. They are likely to fear calling the police because they think by doing so it may reveal their status and lead to deportation, or if their status is dependent on the abuser, the abuser may fail to take the necessary steps to keep them in the country.

The Violence Against Women Act has created protections for these vulnerable victims to allow them to seek protection from domestic violence while minimizing the risk of deportation. The protections are available for victims of domestic violence who are married to an American citizen or legal resident and for victims of other crimes as well.

It is important to note that the Chicago Police Department prohibits Department members from requesting information about, or otherwise investigating or assisting in the investigation of citizenship or residency status of any person, unless such an inquiry or investigation is required by statute, ordinance, federal regulation, or a court decision, additionally they may not disseminate information regarding the citizenship or residency status of any person, unless required to do so by court order or subpoena.

MARRIED TO AN AMERICAN CITIZEN OR LEGAL RESIDENT

Many people believe if an immigrant marries an American citizen or legal resident, the immigrant

immediately becomes a legal resident. This is not the case. Based upon the marriage, the Citizenship and Immigration Service (CIS) will grant the immigrant conditional residency for two years. During that period of time, CIS will investigate to ensure the marriage was entered into in good faith.

Until all the necessary steps are taken and the conditions removed, the immigrant's fate is in the hands of the citizen or legal resident. The immigrant spouse has no independent right to pursue his or her own status. The abuser may take advantage of this situation by threatening to have the victim deported if the victim calls the police or in any way attempts to leave the relationship.

The Violence Against Women Act protects victims of domestic violence who are married to American citizens or legal residents by allowing them to self-petition for legal residency or to take over a pending petition filed by the abuser, with the same rights to proceed as the abuser. Many immigrant victims of domestic violence are not married to an American citizen or legal resident, in fact the abuser may also be undocumented.

VICTIMS OF CERTAIN CRIMES

The Violence Against Women Act created a new type of visa, referred to as a U-visa, to protect victims of certain crimes, including domestic violence, by allowing them to participate in the criminal justice process and remain in the country for a period of time. The crimes covered are:



Office of the Superintendent,
Domestic Violence Program

- Domestic violence
- Sex related offenses
 - Rape/Sexual assault
 - Incest
 - Sexual exploitation
 - Abusive sexual contact
- Kidnapping and abduction
- Torture
- Murder and manslaughter
- Perjury
- Extortion/Blackmail
- Trafficking/Slave Trade
- Prostitution
- Involuntary servitude and Peonage
- Felonious assault
- Unlawful criminal restraint
- Witness tampering
- False imprisonment
- Being held hostage
- Obstruction of justice
- Female genital mutilation

To be eligible, the victim must show that he or she has:

- Suffered physical or mental abuse as the result of having been the victim of certain crimes;
- Has information concerning the criminal activity;
- Has been, is being, or is likely to be helpful to a local, state or federal law enforcement officer investigating or prosecuting the crime; and
- The crime violated the laws of the U.S. or occurred in the U.S.

The cooperation element does not require that the prosecution be successful or even that the prosecution proceed – only that the victim is cooperative by making a police report or giving a statement and continues to cooperate with an investigation or prosecution if asked. If

the offender is never arrested by the police or tried by the State's Attorney's Office, this isn't a bar to the visa being granted. It is important to note that if a victim, who previously cooperated, later becomes uncooperative, he or she can lose their U-visa.

If the application is approved, the victim will be granted temporary legal status and work authorization. The victim is allowed to remain in the U.S. for 4 years. After 3 years, the victim may apply for legal permanent residency. In some cases, the victim's spouse and children may also qualify. If the victim is a minor, the victim's parents and siblings may be included.

The Chicago Police Department's role in the U-Visa process is to confirm that the victim was cooperative. Applications for the U-Visa may be sent directly to the Office of Legal Affairs, 3510 South Michigan, Unit 114, Chicago, Illinois 60653 or for more information, call 312-745-6115. Other Department members should NOT accept any documentation or agree to forward any documentation.

RESOURCES

The city's Help Line, 1-877-TO END DV or 1-877-863-6338, can direct victims to the most appropriate agency that can provide services for those who qualify for relief under the Violence Against Women Act.

For additional information regarding domestic violence issues or topics to be discussed, contact the **Domestic Violence Program at: 312-745-6340 or FAX: 312- 745-6856.**

If you or someone you know needs immediate assistance, call 911.

***The City of Chicago Domestic Violence Help Line
number is:
1-877-863-6338 or 1-877-863-6339 (TTY)***