

Battered Immigrants Gain Ally Against Abusers; New INS Rule Lets Spouses, Children Seek U.S. Residence Status on Their Own

The Washington Post

March 27, 1996, Wednesday, Final Edition

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Section: A SECTION; Pg. A03

Length: 658 words

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Body

Battered immigrant women and **children** no longer have to depend on their **abusers** to become legal, permanent residents of the **United States** and can now **seek** legal **status** on their **own**, the Immigration and Naturalization Service announced yesterday.

In the past, only **U.S.** citizens and legal, permanent residents could file applications for their noncitizen **spouses** and **children** to become legal residents. Typically, the husband filed the papers for his wife and **children**.

In domestic violence cases, the husband, already a **U.S.** citizen or legal resident, often uses his role **in** the immigration process to keep his wife **in** the abusive relationship, **U.S.** officials and representatives of advocacy groups said.

"Foreign-born **spouses** and **children** are particularly vulnerable when their ability to remain **in** this country is controlled by an abusive **U.S.** citizen or lawful, permanent resident," said **INS** Commissioner Doris M. Meissner.

In those situations, the **abuser** "often forces family members to stay **in** abusive relationships by falsely promising their victims that they will petition on their behalf for permanent resident **status in** the future, or by threatening their victims with deportation -- creating a cycle of continuing abuse," she said.

The **new rule**, which takes effect immediately, will allow abused family members who otherwise would be eligible for permanent **residence** to **seek** legal resident **status** on their **own**. The **rule** implements a provision of the Violence **Against** Women Act, part of the 1994 crime bill.

Between 300 and 400 **immigrants** have cases pending under an interim procedure that allowed **INS** officials to begin accepting -- but not acting on -- applications a year ago, **INS** officials said.

Officials and advocacy groups said it is hard to estimate how many others could be affected because **immigrant** women who are victims of domestic violence traditionally have been difficult to reach.

Leslye Orloff, founder of the domestic violence program at Ayuda, a District-based group that provides legal services to **immigrants**, said there might be an initial surge of "a couple thousand cases" nationwide.

Under the **rule** change, the abused **spouse** or **child** must be living **in** the **United States** at the time; be a person of good moral character; and have entered into the marriage to the citizen or lawful, permanent resident **in** good faith.

They also must provide evidence of abuse, which may include police reports, medical records, affidavits from school officials and social workers, and "other forms of relevant credible evidence," the **INS** said.

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"Physical abuse and mental abuse is common," said Alakananda Paul, who heads the Asian Women's Self Help Association, a local group that helps women from six South Asian countries, including India, Pakistan, Bangladesh and Sri Lanka.

Many women follow their husbands to the United States, arriving with little knowledge of English and less understanding of U.S. immigration law. Most are financially dependent on their husbands.

One Indian woman in Montgomery County said her husband started abusing her five years ago, when she and their daughter joined him in the United States. He was a permanent, legal resident. More than once, she said, he threatened her with a kitchen knife, saying, "I'm not going to give you the green card, and where would you go?"

The woman, 37, initially was afraid to seek police help but finally sought refuge in a woman's shelter and sent her daughter to stay temporarily with a relative. The woman has since moved three times, but is still stalked by her husband, she said.

Last summer, she filed for permanent residence status on her own; her application is pending with the INS office in Baltimore.

"I think the U.S. government has taken a very good decision because there are a lot of women . . . who have been ill-treated by their spouses," said the woman, who requested anonymity for fear of retribution.

Classification

Language: ENGLISH

Subject: IMMIGRATION (92%); CITIZENSHIP (92%); DOMESTIC VIOLENCE (90%); EVIDENCE (89%); CHILDREN (89%); FAMILY (89%); WOMEN (89%); DOMESTIC OFFENSES (89%); MARRIAGE (78%); DEPORTATION (78%); US FEDERAL GOVERNMENT (78%); FAMILY LAW (78%); IMMIGRATION LAW (78%); CRIMES AGAINST PERSONS (78%); AGENCY RULEMAKING (77%); DOMESTIC VIOLENCE PROGRAMS (76%); MEDICAL RECORDS (72%); PETITIONS (72%)

Company: violence against women act; immigration and naturalization service IMMIGRATION & NATURALIZATION SERVICE (94%); immigration and naturalization service IMMIGRATION & NATURALIZATION SERVICE (94%); IMMIGRATION & NATURALIZATION SERVICE (91%)

Organization: IMMIGRATION & NATURALIZATION SERVICE (94%); IMMIGRATION & NATURALIZATION SERVICE (91%); violence against women act; immigration and naturalization service IMMIGRATION & NATURALIZATION SERVICE (94%); immigration and naturalization service IMMIGRATION & NATURALIZATION SERVICE (94%); IMMIGRATION & NATURALIZATION SERVICE (91%)

Industry: MEDICAL RECORDS (72%)

Geographic: UNITED STATES (94%); BANGLADESH (79%); PAKISTAN (79%); INDIA (79%); ASIA (65%); SOUTHERN ASIA (50%)

Load-Date: March 27, 1996

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