



Promoting Justice for Women & Girls Worldwide

OVERVIEW OF SERVICES PROVIDED BY THE TAHIRIH JUSTICE CENTER

Tahirih provides free legal representation to immigrant women and girls fleeing gender-based violence. Our legal representation primarily encompasses four areas of immigration law: **gender-based asylum**; provisions under the **Violence Against Women Act (VAWA petitions)**; and provisions under the **Victims of Violence and Trafficking Protection Act (U Visa, T Visa)**. Taking a holistic approach to serving its clients, Tahirih also offers them family law assistance and a range of social and medical referrals.

When a woman in need contacts Tahirih, we initially speak to her on the phone to determine if she may be eligible for our services. If we are unable to directly provide our services, we will make the appropriate referrals. If she appears to be eligible for our services, we invite her to the office for an in-depth interview. After the interview, her case is reviewed by attorneys on staff to decide whether Tahirih can represent her.

Below are snapshots of the types of cases that we can help with, along with examples of documents that help us establish her case for protection under US law.

1. VAWA: Victims of Domestic Violence

The Violence Against Women Act is a federal law that allows foreign nationals to escape abusive relationships with US citizens or Legal Permanent Residents (LPR) on whom their own legal status depends without fear of automatic deportation. VAWA enables spouses, children, or parents who were victims of abuse at the hands of a US citizen or LPR husband, father, or child to petition for legal status independent of that abuser.

Any VAWA application must show:

- 1) Applicant is the spouse, child, or parent of the abuser (marriage or divorce certificate, birth certificate);
- 2) Abuser is a US citizen or LPR; for parents, the abuser must be a US citizen (copy of abuser's passport or green card or other identification);
- 3) Applicant was subject to emotional, physical, or sexual abuse (medical reports, photos, protective orders, testimony of witnesses, police reports, court or legal documents);
- 4) Applicant currently resides in the United States or suffered the abuse in the United States (passport, bills, leases, other proof of residence or US identification);
- 5) Applicant has/had some period of joint residence with the abuser (shared utility bills, bank accounts, leases, tax returns);
- 6) Good moral character of the applicant (copy of state criminal record check, letter from volunteer organization); and
- 7) Applicant had a good-faith marriage to the abuser; not required for child or parent applicants (photos, letters between spouses, birth certificates of children).

With an approved application, the woman or child can apply for legal permanent resident status and, ultimately, for US citizenship.

2. U Visa: Victims of Serious Crimes

The "U visa" or "U nonimmigrant status" permits certain non-citizen crime victims who have suffered substantial mental or physical abuse as a result of the crime to remain in the United States as long as they cooperate with the police in the investigation and prosecution of the crime. To be eligible, the applicant must be a crime victim or the victim's immediate relative, such as their spouse or child.

Any application for U visa status must show:

- 1) Applicant suffered substantial physical or mental abuse as a result of having been the victim of a listed crime or attempt to commit a listed crime: Rape, Incest, Torture, Murder, Perjury, Peonage, Extortion, Kidnapping,

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Prostitution, Abduction, Blackmail, Trafficking, Manslaughter, Slave Trade, Sexual Assault, Felonious Assault, Witness Tampering, Sexual Exploitation, Domestic Violence, False Imprisonment, Being Held Hostage, Involuntary Servitude, Obstruction of Justice, Abusive Sexual Contact, Female Genital Mutilation, Unlawful Criminal Restraint (crime summary or police report to establish crime, photos, proof of counseling, medical records);

- 2) Applicant has information concerning the criminal activity and she has been, is being, or is likely to be helpful to a local, state, or federal law enforcement official investigating or prosecuting the crime (signed certification from officer or official);
- 3) She has “good moral character” (state criminal record check, letter from volunteer organization).

Approved U visa petitioners will be granted temporary legal status and work authorization for four years. After three years, persons granted U visas may be eligible to apply for lawful permanent resident status.

3. T Visa: Victims of Human Trafficking

The T visa is designed specifically for those who have been subjected to severe forms of sex or labor trafficking. To be eligible, the applicant must be a trafficking victim.

Any application for a T visa must show:

- 1) Applicant is a victim of severe trafficking in persons (police report, witness accounts, medical records, photos);
- 2) Applicant is physically present in the United States or at a US port of entry on account of such trafficking (witness accounts, travel documentation, or immigration paperwork);
- 3) Applicant has cooperated with an investigation by law enforcement, unless the applicant is less than 18 years old (signed certification from officer or official); and
- 4) Applicant would suffer extreme hardship involving unusual and severe harm if removed from the United States (counseling records, letters from family/friends, medical records).

If approved, T visa holders are eligible to work and receive public benefits to help them heal after their trauma. Three years after approval, a T visa holder may be eligible to apply for lawful permanent resident status.

4. Gender-Based Asylum: Victims of Gender-based Violence in Home Country

Women who have escaped gender-based violence in their home countries may be eligible for asylum in the United States, which is a kind of “safe haven” that is provided under US and international law for those fleeing persecution.

Any application for asylum must show the applicant is:

- (1) outside of her country of origin and (2) unable or unwilling to avail herself of the protection of her home country because of (3) past persecution or a well-founded fear of future persecution (4) on account of race, religion, nationality, membership in a particular social group, or political opinion. (hospital records, arrest warrants, statements from family and friends, travel documentation, counseling records)

Tahirih limits its asylum representation only to women and girls who fled persecution based on gender. Examples of gender-based persecution can include: female genital cutting (FGC), forced marriage, or severe domestic violence. Tahirih also represents women who fled other forms of persecution provided there is a strong gender element (e.g., rape used as a form of torture).

If their asylum application is approved, asylees are eligible to work and receive public benefits to help them heal from their trauma. In addition, one year after the grant of asylum, they will be eligible to apply for legal permanent resident status.

If you think that someone may be eligible for our services, contact us:

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