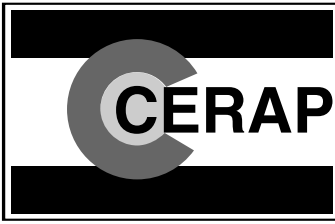


Colorado Coalition for Elder Rights & Adult Protection

A Project of the Colorado Non-Profit Development Center



NEWSLETTER

MISSION: To promote statewide understanding of elder/adult abuse and the rights and protections available to elder and at-risk adults.

July / August / September 2006

Next Meeting/Seminar of the Coalition

Wednesday, July 19, 2006

8:30am - 11:00am

Aurora City Hall

Aurora Room - 1st floor, south

15151 E. Alameda Pkwy.

Aurora, CO

Program:

"Family Violence & the Immigrant
Community"

Guest Speakers:

Karlyn Shorb, Attorney

Denver Center for Crime Victims

Meeting/Seminar Schedule:

8:30am-8:50am Coffee & Juice

8:50am-9:00am Welcome

9:00am-9:30am Introductions,
Networking & Awards

9:30-11:00am Elder Abuse & the
Immigrant Community

11:00am Adjournment

Directions to Meeting:

Take I-225 to Alameda Ave.

East on Alameda about 1/2 mile
to Chambers Rd.

Left on Chambers Rd. 1 block

Left into City Hall parking lot

Parking garage is available or park on
east side of City Hall.

Aurora Room - 1st floor, south end
of building

RSVP - appreciated, not required

CCERAP Coordinator:

Kathy Rickart

303-866-3433 or 1-800-773-1366

970-674-8712 fax

Email: CCERAP@comcast.net

www.ccerap.org

ABUSE AND THE IMMIGRANT COMMUNITY

Source: Family Violence Prevention Fund - www.endabuse.org

Denver Center for Crime Victims, and CCERAP

Three Scenarios – There was help
if only the Service Provider
had known.



- ◆ Irina, an undocumented Russian woman, has been married to a U.S. citizen. Her husband has grown increasingly violent toward her. She joins a support group at a local domestic violence program. There she tells her story about the violence in her life and that her abusive spouse refuses to petition on her behalf to enable her to receive her green card. The counselor leading the group does not see the connection between Irina's lack of immigration status and her husband's abusive behavior. She does not give Irina the information she needs to address her particular situation. **Irina becomes frustrated and stops attending the support group.**
- ◆ In New York, Satyam, an immigrant woman from Thailand, seeks help from an immigrant-serving agency to escape her abusive husband. She has lost her piecemeal sewing job and has no work permit, so she has no means of supporting herself. The agency encourages her to stay with her husband and try to make the situation better. She calls a local battered women's shelter, but they cannot communicate with her in her language. **She concludes she has no option but to stay with her abuser and returns home, hopeless.**
- ◆ Cecilia, who lives in San Francisco, California, is a Guatemalan woman who has been married to a legal permanent resident. She seeks safety for herself in a local shelter for battered women. The crisis counselor at the shelter insists on knowing her immigration status during the intake process so she can make a recommendation about getting public benefits. Cecilia is afraid to tell her because her husband has told her that she will be deported if she tells anyone her immigration status. **Cecilia flees the shelter and returns to her abusive husband.**

The service provider's or advocate's role is to learn about possible options, assist battered immigrant women in accessing them, and respect the decisions they make.

On Wednesday, July 19, CCERAP will host a guest-speaker from the Denver Center for Crime Victims who will speak on the topic **“Family Violence and the Immigrant Community.”** It will be held at the Aurora City Hall, 15151 E Alameda Parkway, Aurora, CO, 8:30am – 11am, Aurora Room on the 1st floor. Karlyn Shorb, an attorney for the Denver Center's Legal Immigration Clinic, will discuss potential barriers faced by immigrant survivors of family violence and possible immigration options to overcome some of those barriers. She will present this topic with a focus on options for abused immigrant elders.

Why do we need to host a lecture talking about immigrant victims of family abuse?

Many elder victims of family violence—that is, those victims whose sons, daughters, spouses, grandchildren or other family members abuse them—are also immigrants. Because of their status as “immigrants”—a term which includes Legal Residents, undocumented immigrants and even non-U.S. born naturalized citizens—such elders face unique barriers in accessing the legal system. For example, unlike those of us who were born in this country, many immigrant elders fear that turning to authorities and reporting abuse may in some way affect their legal immigration status and somehow lead to deportation. Furthermore, immigrant victims may face language barriers, or even cultural barriers which prevent them from reporting abuse by family members (or even care providers). Finally, many immigrant victims may have misperceptions, or may be misinformed by their abusers or immigrant communities, about Law Enforcement or the Legal System. Such misperceptions create enormous barriers for immigrant elders in accessing services or help to end abuse.

In yet other situations, the immigrant elder may fear that an abusive non-U.S. citizen family member who is abusing her will be deported as a result of reporting the abuse. In such a situation, if the abuser is also the primary caregiver and provider, the immigrant victim may not be left with any viable financial options for the future.

Informing Our Immigrant Elders

All of the scenarios on the front page may be reasons why immigrant elders may not be reporting abusive situations. Yet, as a service provider, advocate, or witness to such abuse, you may be able to help an immigrant elder overcome the fear of reporting, and may even be able to help fix immigration status and remove the fear of deportation. You can do this by spreading the word of immigration options for elders who are victims of family violence!

Under a Law called the Violence Against Women Act (VAWA), abused spouses, parents and children of U.S. Citizens and Legal Permanent Residents may be eligible to petition with the U.S. Government (U.S. Citizenship and Immigration Service) to fix their immigration status to Legal Residents. At the very least, if elders take a stand and report the abuse to police, they may qualify to receive a work permit and in later years acquire residency.

To learn more about Immigration Options to immigrant survivors of spousal or family abuse, please attend the presentation on July 19 at 8:30a.m. at the Aurora City Hall. If you are unable to attend, more resources may be found by accessing the following websites: www.denvervictims.org; www.endabuse.org; www.ncdsv.org; www.asistaonline.org

Program Agenda for the July 19 Presentation:

- 1) Introduction to The Denver Center for Crime Victims
- 2) Barriers faced by immigrant victims of Domestic Violence and other crimes
- 3) Family-based Immigration: A Mechanism of Control
- 4) The VAWA Self-petitioning Process
 - VAWA Requirements**
 - VAWA petitioning procedure**
 - Other remedies for immigrant crime victims**

Immigrant Women and Domestic Violence

Source: *Family Violence Prevention Fund* – www.endabuse.org

Public Policy – Immigrant & Refugee Women

Women and children constitute approximately two-thirds of all legal immigrants in the United States. Because of their gender, race, and immigration status, they suffer a triple burden of discrimination. Increasing evidence indicates that there are large numbers of immigrant women trapped in violent relationships. They may not be able to leave an abusive relationship because of immigration laws, language barriers, social isolation, and lack of financial resources.

Under the Immigration and Nationality Act, U.S. citizens and permanent residents can, but are not required to, file relative visa petitions so their spouses can obtain legal permanent residency through the marriage and legally reside in the United States. Citizen and resident spouses choose when and whether to file visa petitions, and they can revoke those petitions at any time prior to the issuance of permanent residency to their spouse.

Risk of Deportation

The power to keep a spouse at permanent risk of deportation provides batterers who are citizens and legal permanent residents with a coercive tool that keeps abused immigrant women and family members in violent relationships. Many of these women live fearing for their lives because their abusive partners threaten them and their children with deportation if they seek assistance from the police or report their abusive behavior. For example, if

a woman tries to run away to a domestic violence shelter, the abusive partner may go to the immigration authorities to withdraw his petition for her documentation and have her deported instead. In this way, he also escapes being prosecuted for criminal offenses related to the physical abuse of his wife.

Seeking Solutions

The Family Violence Prevention Fund (FVPF) has collaborated closely with other national immigrant rights, women's rights, and domestic violence organizations, including AYUDA, Inc., National Immigration Project of the National Lawyers Guild, and NOW Legal Defense and Education Fund, among others, to educate policy makers on the immigration laws that foster these situations. This type of collaboration was key to cementing a commitment from other groups to take up the interests of battered immigrant women. As a result, the Violence Against Women Act (VAWA) was passed to provide relief to battered immigrant women.

Self-Petitioning

The FVPF has continued to be an active partner in efforts to restore protections originally provided to abused immigrant spouses in the Violence Against Women Act, when it became law in 1994. The original statute protected battered immigrant women married to a citizen or resident abuser by allowing them to self-petition, or file their own applications for permanent residency, and allowed divorced battered immigrants to seek permanent residency through a process now called "cancellation of removal." These protections were weakened, if not gutted, by the subsequent changes to immigration law in 1996. However, the Violence Against Women Act of 2000 strengthened the law by improving battered immigrant women's ability to self-petition to remain in the United States and suspend deportation proceedings.

Confidentiality

Source: *Family Violence Prevention Fund* – www.endabuse.org

It is important for counselors to avoid frightening immigrant women by asking about their immigration status. The counselor also should be careful about recording information about immigration status that may compromise battered women in any subsequent immigration proceedings. In situations where the counselor is required to report immigration status, they may choose not to ask about immigration status and to report that the immigration status of every person assisted is "unknown."

Crisis lines and shelter programs do not need to know a battered woman's immigration status to provide assistance. However, when assisting an immigrant woman, it is important to explain the different risks she may face and the different options she may have which are dependent on her immigration status. The counselor can go over her risks and her access to remedies without knowing her individual status. They also can provide general information on immigration status to enable her to explore her concerns, doubts, and questions.

If you are a counselor, the counselor-victim privilege should apply to any conversation you have with the woman about her status, and this privilege should protect you from disclosing her immigration status in any subsequent proceeding. If you work at a legal services program, the attorney-client privilege should apply. However, even if you think a privilege may apply, it may be best to not write down any information about a battered woman's immigration status.

Difficulties: Practical, Cultural, Fear of Deportation

Source: Immigration and Domestic Violence: A Short Guide for New York Judges, New York State Judicial Committee on Women in the Courts

When immigrant women turn to state courts for protection against violent men in their lives – most often men are the perpetrators of intimate violence and women are their victims – they face difficulties unknown to women born in the United States.

Some of these difficulties are practical. Immigrant women, like other abused women, may depend on their abusers for financial support, and breaking free of dependency is never easy. If a woman cannot speak English or has no legal right to work in the United States, she faces a far tougher battle.

Other difficulties are cultural. For immigrant women, challenging the authority of their husbands – or any man – may mean violating religious or ethnic taboos within the tight-knit, highly interdependent community in which they live. Immigrant women who go to court also may provoke censure from those who view the legal system as foreign, hostile to people of their ethnicity, or inappropriate as a means of settling disputes within their community.

Coloring all responses, however, and often overriding other considerations, is concern about immigration status and fear of deportation. The danger is real, and abusers know it. When an abuser is a lawful permanent resident or a United States citizen, threatening to have the victim who is undocumented or has conditional status deported becomes the perfect means of maintaining the power and control that are the defining characteristics of domestic violence.

Criminal proceedings, with their concomitant danger of deportation, are another kind of obstacle for abused immigrant women, who have reason to fear not only their own forced removal from the United States but that of their abuser.

Much of the immigrant laws are irrelevant to court proceedings, however, judges, legal advisors, and other service providers should be aware of and understand the dilemmas faced by immigrant abused women and the implications of judicial actions for immigrant status.

Discussing the Abuse

Source: Family Violence Prevention Fund – www.endabuse.org

For some immigrant women, the violence in their families started while they were in their homelands; for others, the violence began upon their arrival in the United States. Resettlement requires major changes that threaten immigrant men and women alike; both may have a hard time coping. Usually it is men, however, who resort to violence against the women in their lives. They believe that they have a right to assert power over women and often discover that they may do so without negative consequences.

When a battered woman is an immigrant, her batterer may be using her immigration status as a means of abusing her. For example, the batterer may threaten to report her to the INS if she is undocumented, or may hide her passport to try to prevent her from leaving the relationship.

When helping a battered immigrant woman, be sensitive to the language you use. “Domestic violence” may be an unfamiliar term. Listen to the terms the woman uses to describe her abuser, try not to impose your terms on her, and make sure she understands the words you use.

When discussing the abuse, try to name the behavior, and not the person. For example, it may be more helpful to talk about specific acts of violence (i.e., if she has been slapped, forced to have sex, threatened with deportation or weapons), rather than telling her “you are a battered woman,” or that her abuser is “a batterer.” But also remember that if the woman is battered, it is very important to identify the problem first and then explain to her it is domestic violence.

Help the woman identify what the problem is by listening to what she describes as her needs, and discussing with her how they can be met.

Immigration Status

Source: www.endabuse.org

One of the most significant fears many battered immigrant women face is related to their immigration status. Some battered immigrant women may be reluctant to discuss immigration status because they fear deportation for themselves, their children, or their batterer. If a battered immigrant woman is deported, she may lose custody of her children, may not be allowed to enter the country to see her children, may return to poverty, famine, or political persecution, and may no longer be able to financially assist her family in her home country. She may be deported to a country whose laws do not protect her from domestic violence. She may be ostracized by friends and family members because she got a divorce or sought a protection order against her abuser.

Many battered immigrant women who have legal immigration status do not know that their batterer cannot take that status away. You should know that if an immigrant woman is a U.S. citizen, lawful permanent resident, or has a valid visa, she cannot be deported unless she entered the United States on fraudulent documents, violated conditions of her visa, or has been convicted of certain crimes.

Basic rules in working with battered immigrant women:

1. Never contact the Immigration and Naturalization Service (INS) to verify a person's immigrant status.
2. Never tell a non-citizen to go to the INS without the accompaniment/advice of an immigration expert.
3. Help non-citizens prepare for encounters with the INS.
4. Encourage non-citizens to talk to an immigration expert before they leave the United States.
5. Tell non-citizens with questions about their immigration status to talk to an immigration advocate with expertise in domestic violence.
6. Work to ensure non-citizens get necessary public benefits.

Notice:

If you would like to review the **Violence Against Women Act, 2005, Title VIII-Immigrant Issues**, please visit the website, www.ccerap.org. It will be posted with the meeting announcement on the **Educational Training Page**.

All services are confidential and provided at no cost

The Denver Center for Crime Victims (DCCV) is a non-profit agency that provides services to victims of crime and crime prevention education. DCCV serves all victims of crime regardless of age, gender, ethnicity, religion, sexual orientation, disability or national origin. DCCV strives to provide culturally/linguistically appropriate services to meet the diverse needs of our clients. All services are confidential and provided at no cost.

24 Hour Hotline Numbers

(303) 894-8000 (English) (303) 718-8289 (Español)
(303) 860-9555 (TTY for the Hearing/Speech Impaired)

Legal Immigration Clinic

The Denver Center for Crime Victims is a United States Board of Immigration Appeals Accredited Agency.

The Legal Immigration Clinic at The Denver Center for Crime Victims assists victims of domestic violence and other crimes with obtaining legal permanent residence in the United States based on the following: their victimization, their good faith marriage or immediate family relationship to a U.S. Citizen or Legal Permanent Resident, and their own good character.

Non-citizen victims of crime and domestic violence are frequently susceptible to enhanced abuse because of their undocumented or transitional immigration status. The attainment of legal permanent residency empowers battered victims to leave their abusers without the fear of deportation or of losing rights over their children.

Staff for the Legal Immigration Clinic are knowledgeable not only on the unique issues facing domestic violence victims who are immigrants, but are also well versed on Violence Against Women Act laws, The Immigration and Nationality Act, Code of Federal Regulations, and Domestic and Criminal Law within the Colorado Revised Statutes.

DCCV is a member of the National Immigration Project, the National Lawyers Guild and the Advanced Special Immigration Survivors Technical Assistance Project.

Individuals in need of assistance from the Legal Immigration Clinic must complete an initial intake through the DCCV Hotline. Please contact the Hotline Numbers for assistance.

Staff: Lorena Reyther-Miranda, J.D. Karlyn Shorb, Esq.

Medicare Rx Drug Plan - “Extra Help” Still Exists Until June 30

By: Richard Jackson, Colorado Division of Insurance, Senior Assistance Program

The bad news is: If you missed the May 15 enrollment deadline for a Medicare Prescription Drug Plan, you can't enroll now until the November 15, 2006 Open Enrollment Period. And, a premium penalty will be assessed.

But the good news is: If you need help paying for your prescription drug costs and can qualify for the low-income Extra Help, you can sign up for a drug plan now. You'll be covered for the remainder of 2006 to boot – no penalty. This opportunity will continue for the rest of the year.

Social Security is currently telephoning people in Colorado who may be eligible for this Extra Help now and will continue until June 30. Even better, they'll also be told of the State of Colorado's offer to pay the tab for other Medicare premiums, deductibles and copays if your limited income and assets permit.

Call SSA, toll free at 1-800-772-1213 (we recommend calling outside of the normal business hours for quicker service; they're open 24 hours/day, 7 days/week.) SSA will provide all the assistance you'll need to complete the application for the extra help.

A note of caution: Some bad guys are still out there trying to take advantage of people on Medicare who haven't signed up for the Medicare drug coverage. The scamsters may come to your home uninvited, or may call you on the telephone, passing themselves off as Medicare representatives. A “red flag” should go up if they ask for Social Security numbers, banking, credit card information or make similar requests as part of their “marketing.” Show them the door. Also, any attempts to enroll you over the phone or ask for payment over the phone (or Internet) ... Hang up!

Help us put the spotlight on these incorrigibles. Any questionable marketing should be reported immediately. Call 303-894-2268 or 2290. For people out of the local calling area, call 1-800-930-3745.

National Organizations for Immigrant Rights

National Immigration Project of the National Lawyers Guild

14 Beacon Street, Suite 602, Boston, MA 02108

Phone: (617) 227-9727 Fax: (617) 227-5495

E-mail: gail@nationalimmigrationproject.org

National Network for Immigrant and Refugee Rights

310 Eighth Street, Suite 307, Oakland, CA 94607

Phone: (510) 465-1984 Fax: (510) 465-1885

E-mail: nnirr@igc.org

National Immigration Law Center

1102 South Crenshaw Blvd., Suite 101,
Los Angeles, CA 90019

Phone: (213) 938-6452 Fax: (213) 964-7940

Email: neville@nilc.org

National Immigration Forum

220 I Street, N.E., Suite 220, Washington, DC 20002

Phone: (202) 544-0004 Fax: (202) 544-1905

Center for Human Rights and Constitutional Law

256 South Occidental Blvd., Los Angeles, CA 90057

Phone: (213) 388-8693 Fax: (213) 386-9484

E-mail: mail@centerforhumanrights.org



Hat's Off

**to the Colorado
Division of Insurance,
Senior Assistance Program**

*for their continued
financial support
making the CCERAP
newsletter possible.*

Help is Available

For Immigrant Women

If you are a battered immigrant woman who needs help...

...Call 1-800-799-7233 to find a battered women's shelter near you.

For Friends and Family

If you know someone who may be in this situation and want to know how to help her, you can...

...Call 1-800-799-7233 to find a battered women's shelter near her.

...Contact the Family Violence Prevention Fund at info@endabuse.org or (415) 252-8900 if you have immigration questions on her behalf.

For Service Providers

If you are a service provider assisting a battered immigrant woman, you can...

...Join the National Network on Behalf of Battered Immigrant Women. Through this network, you can learn about trainings, obtain technical assistance materials, and receive technical assistance on complex immigration issues via email.

...Contact the *National Immigration Project of the National Lawyers Guild, Inc.* gail@nationalimmigrationproject.org with any immigration questions.

...Contact the Family Violence Prevention Fund at info@endabuse.org or (415) 252-8900 for more information.

...Contact the Denver Center for Crime Victims, PO Box 118975, Denver, CO 80281, 303-860-0660

...Learn more about how your agency can improve its ability to serve battered immigrant women and/or to get involved in the issue of domestic violence and immigration

2006 CCERAP Torch Award Winner

Joe Cisneros, Lead Long-Term Care Ombudsman for South-Central Colorado Seniors, Inc. located in Alamosa, is recognized by CCERAP for his work that exemplifies the mission, objectives and goals of CCERAP. Joe is an exemplary Long-Term Care Ombudsman, who has demonstrated his zeal for protecting elderly persons from abuse through strong advocacy for long-term care residents in his region.



**Joe Cisneros
will be
recognized at
the July 19
CCERAP
meeting.**

Joe was instrumental in pursuing a case of financial exploitation against two defendants, one of who was a social service director in a nursing home. Running into a dead end, he didn't give up and reported the matter to AARP's ElderWatch. They informed the Attorney General's Medicaid Fraud Control Unit. The case was pursued and prosecuted. The AG's Medicaid Fraud unit stated, "Without the action by Mr. Cisneros, the case would have been closed and the defendants would have reaped the benefit of their crime and been able to prey on other elderly people in the future. Mr. Cisneros' interest in the welfare of the victim and his action in pursuing the case should be recognized and praised." Nominations for 2007 will be taken through April 1, 2007 -- go to www.ccerap.org for a nomination form after August 1, 2006.

With pride we present the first CCERAP Torch Award to Joe Cisneros.

Domestic Service Model, Rights & Immigration Issues

Source: Loyola University, Chicago, Apna Ghar & Center for Urban Research and Learning – Hardly A Leg

To Stand On: Civil and Social Rights of Immigrant Victims of Domestic Violence, Christine George

<http://www.luc.edu/curl/announcements/apnaghar/presentations.shtml> (link for the full document) *Print permission granted*

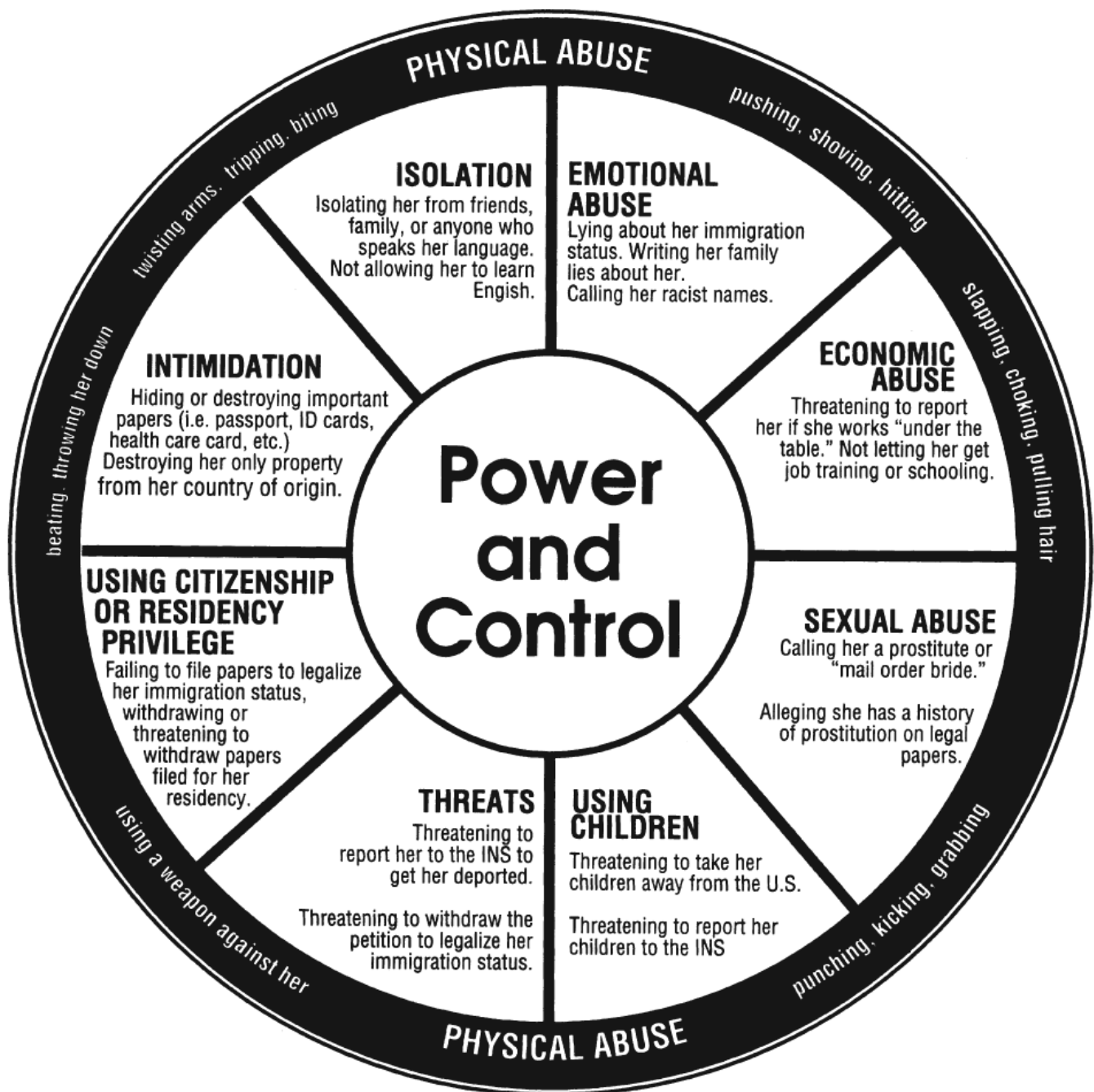
DV Service Model	Institution/Services	Issues for Immigrants
Safety	<ul style="list-style-type: none"> ∞ Emergency shelter system ∞ Police, criminal and civil courts <ul style="list-style-type: none"> ○ Protection ○ Order of Protection ○ Punishment for abuse 	<ul style="list-style-type: none"> ∞ Shelters have limited resources to fund extended stays necessitated by lack of work permits/access to public assistance ∞ Lack of culturally appropriate programming ∞ fear of legal system ∞ Lack of standing, equal protection ∞ Lack of translators
Economically Maintain Independent Household and Family	<p>Housing</p> <ul style="list-style-type: none"> ∞ Emergency /Transitional Housing ∞ Public Housing Benefits <ul style="list-style-type: none"> ○ Subsidies ○ Public Housing ∞ Public Assistance stipends <ul style="list-style-type: none"> ○ TANF ○ Disability, etc. <p>Employment</p> <ul style="list-style-type: none"> ∞ Access to legal employment ∞ Employment Training ∞ Child care subsidies ∞ Transportation subsidies <p>Family Court</p> <ul style="list-style-type: none"> ∞ Child support, maintenance, child custody, etc. 	<p>Depending on status, no or limited rights to</p> <ul style="list-style-type: none"> ∞ Independently set up legal residence ∞ Social Welfare benefits and services ∞ Private agencies have limited resources to provide permanent transitional housing ∞ Permission to legally work in US ∞ Eligibility for public services and subsidies ∞ Few private pro-bono employment services ∞ Lack of language skills, work history ∞ Due to status, not necessarily equal protection and standing in family court ∞ Due to more than one national jurisdiction, (i.e., multiple countries), lack of authority by family courts to enforce decisions
Become Psychologically Empowered	<p>Mental Health Programs</p> <ul style="list-style-type: none"> ∞ Counseling ∞ Support Groups, etc 	<ul style="list-style-type: none"> ∞ Depending on status, lack of right to subsidized health services ∞ Few pro-bono private clinical services ∞ Lack of culturally appropriate services, no services in native language ∞ Clients fear stigma

A huge Thank You goes to **The Family Violence Prevention Fund**, www.endabuse.org for the endless wealth of information on the issue of Immigrants and Abuse and giving CCERAP permission to print any of the information.

Please visit this website and explore the **Immigrant Women Toolbox**.

At this site you can also get brochures “*You Have The Right To Be Free from Violence In Your Home: Questions & Answers for Immigrant and Refugee Women.*” Available in English, Spanish, Russian, Vietnamese, Arabic, Chinese, Korean, Tagalog.

Forms of Domestic Violence that Women Experience



This version of the Power and Control wheel, adapted with permission from the Domestic Abuse Intervention Project in Deluth, Minnesota, focuses on some of the many ways battered immigrant women can be abused.