

# Domestic Violence Unique for Immigrants

■ By Julia Swain

IMMIGRANTS ARE UNIQUELY VICTIMIZED in domestic violence situations. Language barriers, fear of authorities and deportation, and an inability to legally secure employment often prevent abuse victims from reporting incidents of domestic violence and seeking help. The abuser frequently reinforces the immigrant victim's heightened apprehension of coming forward to report domestic violence by threatening to disclose or revoke the victim's status in the United States.

Lisa Hurlbut of HIAS and Council and Deborah Culhane of Women Against Abuse discussed the remedies available to immigrant victims of domestic violence at the Oct. 5 meeting of the Family Law Section.

Hurlbut advised that the federal government has developed domestic violence immigrant relief programs through the Violence Against Women Act, passed in 1994. This act applies to both men and women. Many of the programs can provide legal status to victims who self-report incidents of domestic violence. Hurlbut explained that some of the requirements under VAWA include a valid marriage to a United States citizen or lawful permanent resident (or a divorce from such a person within the past two years), no criminal record, and an incident of battery or extreme cruelty (which includes psychological abuse such as the abuser refusing to file necessary immigration papers for the immigrant victim). Under a Form I-360, if certain requirements are met, an immediate visa is available to a domestic violence victim, even if she or he is not eligible for derivative status under their spouse or former spouse.

Another form of relief is the issuance of a "U" visa. Such a visa is available to victims of specifically listed crimes, including domestic violence, aggravated assault and sexual assault. In such cases, the victim must have suffered physical and/or psychological harm; the victim must have information to assist law enforcement; and must be willing to cooperate with the authorities in prosecuting the abuser. The U visa is not contingent upon marriage to the abuser.

A family lawyer can significantly assist an immigrant victim of domestic violence by first recognizing that several forms of



## LRIS Celebrates 60th Anniversary

Chancellor Sayde Ladov (left) addresses a crowd gathered to celebrate the Philadelphia Bar Association Lawyer Referral and Information Service's 60th anniversary at the Radisson Plaza Warwick Hotel on Oct. 5. More than 300 attorneys accept referrals through LRIS. LRIS is a resource for all Philadelphia area residents who can afford to pay for an attorney and are looking for one to help them with their legal needs. Over the years, LRIS has evolved from a walk-in service to a telephone referral service and now has a web site, [www.philadelphiabarlawyers.com](http://www.philadelphiabarlawyers.com). Attorneys (below, from left) Sherrie Cohen, Virginia Gutierrez, Philadelphia Bar Association director of public and legal services Charles Klitsch, Jeffrey Lichtman and Joni Berner enjoy the reception.



Photos by Amy Seefeld

immigration relief may be available and referring that client appropriately and also by gathering evidence and information through a protection from abuse case that can be used by the immigration attorney to document the immigrant victim's application(s) for relief under VAWA. The type of evidence that is useful includes a copy of the petition for protection from abuse and any corresponding order, police reports, documents for any corresponding criminal case, photographs of injuries; medical records, evidence about the abuser such as copies of a passport or green card, proof of cohabitation, financial records and birth certificates for

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# Gillen to Speak at Annual Meeting Nov. 19

KEVIN C. GILLEN, PH.D., VICE PRESIDENT with Philadelphia-based Econsult Corporation, will be the keynote speaker at the Thursday, Nov. 19 Annual Meeting of the Real Property Section.

Dr. Gillen works on issues related to local economic policy and real estate development. The meeting begins at 12 p.m. at Loews Philadelphia Hotel, 1200 Market St. The Section will also honor Joe Synnick of Schuylkill River Development Corporation with its annual Good Deed Award.

The election of officers and new members of the executive committee will take place at the Annual Meeting. The Section's Nominating Committee has nominated the following persons for the offices indicated: Vice Chair, Cheryl Gaston; Treasurer, Brad Begelman; and Secretary, Richard Vanderslice.

The succession of the current Vice-Chair, Alfred R. Fuscaldo, to the position of Chair of the Section is automatic in accordance with the Section's bylaws.

Nominees for new Executive Committee members (three-year terms) are Markita Morris Louis, Harper Dimmerman, Sherman Toppin, Kathy Keyser and Rachel Friedman (completing final

year of a three-year term). The nominee for Young Lawyers' Division Liaison is Rachel Gallegos.

Additional nominations may be made in accordance with the bylaws of the Section, by written notice from any member, which is seconded in writing

by no fewer than 10 members of the Section. Additional nominations must be received not less than 20 days prior to the Annual Meeting. Additional nominations are to be mailed or delivered to Christine Paul, Chair of the Real Property Section, Women's Community Revitalization

Project, 407 Fairmount Ave., Philadelphia, PA 19123.

Tickets to the Real Property Section Annual Meeting are \$45 for Section members and \$50 for nonmembers and can be purchased online by visiting [philadelphiabar.org](http://philadelphiabar.org).

## NOVEMBER



## CLE COURSES

Nov. 3	<b>Proving Disability Through a Functional Capacity Examination</b> • The CLE Conference Center
	<b>Persuasion Workshop</b> • The CLE Conference Center
Nov. 4 & 5	<b>15<sup>th</sup> Annual Business Lawyers' Institute (2009)</b> • The CLE Conference Center
Nov. 6	<b>Discovery: Where Most Cases are Won or Lost</b> • The CLE Conference Center
	<b>Entertainment Law in the 21st Century</b> • <i>Simulcast</i> - The CLE Conference Center
Nov. 10	<b>Facebook, Twitter, &amp; Blogging ...Oh MySpace! Legal Issues with Social Networking Sites</b> • The CLE Conference Center
	<b>PLI - "Bet the Company" Litigation 2009: Best Practices for Complex Cases</b> <i>Simulcast</i> - The CLE Conference Center
Nov. 11	<b>Evidentiary in Capital Cases</b> • <i>Simulcast</i> - The CLE Conference Center
Nov. 12 & 13	<b>PLI - Communications Law in the Digital Age 2009</b> • <i>Simulcast</i> - The CLE Conference Center
Nov. 12	<b>Issues in Labor and Employment Law in Obama's First Year</b> • The CLE Conference Center
Nov. 13	<b>Medical School for Lawyers: Into the Anatomy Lab</b> • The CLE Conference Center
Nov. 16	<b>Food Safety Issues (Part of PBI's Public Policy Series)</b> • <i>Simulcast</i> - The CLE Conference Center
Nov. 17	<b>Pennsylvania Election Law and Campaign Finance</b> • The CLE Conference Center
	<b>Philadelphia County Domestic Relations Practice</b> • The CLE Conference Center
Nov. 18	<b>Impeach Justice Douglas</b> • The CLE Conference Center
	<b>Elder Law Update</b> • The CLE Conference Center
	<b>Hot Topics in Legislation - "What's Important for the Workers' Compensation Community"</b> • Philadelphia Bar Association
Nov. 19	<b>Corporate Ethics and Compliance Toolkit</b> • <i>Simulcast</i> - The CLE Conference Center
	<b>Your First Bench Trial in a Commercial Case: Practical Tips from Top Practitioners &amp; Judges</b> • The CLE Conference Center
Nov. 20	<b>Civil Litigation in the Eastern District of Pennsylvania - 2009</b> • The CLE Conference Center
Nov. 23	<b>PLI - Hedge Fund Enforcement 2009</b> • <i>Simulcast</i> - The CLE Conference Center
Nov. 24	<b>Annual Evidence Refresher with Professor Jules Epstein</b> • Philadelphia Bar Assn.

### The CLE Conference Center

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### Philadelphia Bar Association

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## Family Law

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any children.

Culhane, an advocate for victims of domestic violence, advised that immigrant victims have full access to the court system for filing and prosecuting petitions for protection from abuse. Immigrant status is not a ground to deny access to the courts. Culhane warned that practitioners must be extra sensitive to language barriers. Although a client may have good day-to-day language skills, her or his ability may be very limited when it comes to discussing legal issues or incidents of abuse. Act 172 mandates that interpreters must be provided to litigants for court proceedings. Culhane suggested also having an interpreter present during the client interview.

Although immigrant status is not an issue directly related to PFA proceedings, such status may be relevant if used by the abuser to control the victim, to explain a client's inability to work or to account for a language barrier.

*Julia Swain (jswain@foxrothschild.com), a partner with Fox Rothschild LLP, is treasurer of the Family Law Section.*