

*Guide For Advocates Working
with Immigrant Victims of
Domestic Violence*



Delaware Domestic Violence Coordinating Council

www.dvcc.delaware.gov

The Domestic Violence Coordinating Council

The Domestic Violence Coordinating Council is a state agency legislatively created in 1993 to improve Delaware's response to domestic violence. The Coordinating Council brings together domestic violence service providers and policy level officials to identify and implement improvements in system response through legislation, education, and policy development.

Much of the DVCC's work is accomplished through the work of committees. This Guide is a product of the DVCC's Immigration Committee.

Domestic Violence Coordinating Council
New Castle County Courthouse
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www.dvcc.delaware.gov

Immigrant Victims of Domestic Violence

Immigrants to the United States constitute a complex and diversified population of ethnic groups with varied backgrounds and norms. Immigrants can be heterosexual, homosexual, bisexual, poor, wealthy, white or persons of color. Some immigrants have fled difficult situations in their home countries while others have been drawn to the United States by economic opportunities or other family members. The process of immigration is often a very difficult and traumatic experience that can involve leaving behind familial support and encountering a lot of unknowns, uncertainty and discrimination.

Despite recent federal legislation that has opened new routes to immigration status for immigrant victims of domestic violence, abuse is still a significant problem for the immigrant population. Immigrant victims often feel trapped in abusive relationships due to immigration laws, language barriers, lack of financial resources, fear, cultural expectations and social isolation. Abusers often use their partners' immigration status as a means for control. Dutton, Orloff and Aguilar Hass (2000) found that 72.3% of the battered Latinas surveyed in their study reported that their spouses never filed immigration petitions for their wives even though 50.8% of the victims qualified to have petitions filed on their behalf. Those abusers who eventually

filed petitions for their spouses took almost four years to do so. Fear of deportation is a very powerful tool that can be used against immigrant victims of domestic violence to prevent them from seeking help.

Immigrant women often suffer higher rates of domestic violence than United States citizens because they may come from cultures that do less to combat domestic violence. Immigrant victims may also have less access to legal and social services than U.S. citizens or believe that the penalties and protections of the U.S. legal system do not apply to them.



Dynamics of Domestic Violence in the Immigrant Community

Domestic violence is a pattern of abusive behavior used to gain control over another person that can include threats, emotional, sexual or economic abuse, intimidation, deprivation, social isolation or repeated battering and assault.

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Immigrant victims may experience the following power and control tactics by the abuser:

Isolation

- Keeping their partner from family and friends
- Keeping their partner from learning to speak English

Threats

- Threatening to report their partner to Immigration and Customs Enforcement (ICE) in order to get them deported
- Threatening to withdraw the petition to legalize their immigration status
- Threatening to harm his/her family or to stop financial support to his/her family

Sexual Abuse

- Calling her a prostitute or “mail order bride”
- Forcing the person to have sex with others for money
- Unlawful sexual contact and/or rape

Intimidation

- Hiding or destroying important papers (passport, identification card, Green Card, birth certificates, health insurance card, etc.)
- Destroying sentimental personal property

Citizenship or Residency Privilege

- Failing to file papers to legalize immigration status, or withdraw papers that have been filed

Economic Abuse

- Threatening to report the person they are abusing to ICE if she/he is working “under the table.”
- Keeping the victim from obtaining job training or schooling (This is also a form of isolation.)
- Forcing the person to work “illegally” when they do not have a work permit
- Forcing the person to sign papers (IRS forms, etc.) that they do not understand

Emotional Abuse

- Demeaning and degrading comments about their partner to others that seek to damage the victim’s self-esteem
- Using the victim’s age and/or disabilities to control them

Using Children

- Threatening to take children away from the United States, file for custody, report children to ICE, or threaten to hurt them



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Persons who are abusive in their intimate relationships:

- Use violence as a means of gaining and maintaining power and control over their partners
- Escalate the severity of the abuse, once the power and control techniques begin to lose effectiveness
- Manipulate their partners' desire for family unity and preservation to justify their abusive behavior
- Use "cultural norms" as a tool of oppression

Domestic violence is NOT caused by but may be intensified by:

- Use of alcohol and drugs
- Stress
- Immigration status
- Loss of employment
- Mental illness

Without culturally sensitive intervention, an immigrant victim of domestic violence may feel that they have no choice but to stay in an abusive relationship.

Immigrant victims face many barriers to seeking and receiving assistance. The barriers are cultural, economic, practical and legal.

Immigrant Victims:

- May be more likely to live in seclusion – far from family and friends, not speak English, work or drive a car
- May have come from cultures that don't talk about domestic violence, and may believe that

the U.S. legal system does not apply to them

- May be ostracized by his/ her family or community if he/she reveals the violence
- May not be able to utilize available resources because the services are not offered in their language and interpreters are not available
- May find that services in their community are not culturally appropriate
- May fear the criminal justice system and its representatives
- May rely on male family members to interact with the public
- May fear that their children will be taken from them by " the State"
- May fear that the person abusing them will be deported if they report the abuse thereby eliminating their only source of income

Tips for Helping Immigrant Victims of Domestic Violence

ALWAYS consult an Immigration Attorney if the person you are helping is not sure of their immigration status.

NEVER contact the Immigration and Customs Enforcement (ICE), Citizenship and Immigration Services (CIS) or Customs and Border Protection (CBP) to verify a person's immigration status. Contact an immigration attorney or ASISTA at www.asistaonline.org so as to not put an individual in jeopardy of being deported.

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Listen to the terms the victim uses to describe the abuse. “Domestic Violence” may not be a familiar term.

Work in partnership to develop an action plan that makes “cultural sense” from the individual’s perspective. It is best to become aware of the cultural and community strengths and support systems available to the person you are helping. She/he must determine the solutions that work best for her/him.

Provide neutral interpreters and counselors who understand the victim’s culture and customs of their native lands. Whenever possible, do not use the individual’s children or other relatives as interpreters. This may place an additional burden on them and may increase the level of danger to one or both individuals.

Suggest that the victim keep documents in an accessible location if it is safe to do so. Documents may include but are not limited to:

- Documentation of immigration status for self, their children and, if possible, for the person abusing them
- Passport/visa
- Medical/immunization records
- Work authorization card, paycheck stubs
- Marriage license and/or divorce decree from the victim’s home country
- Photographs
- Social Security cards
- Public Assistance documents or cards
- Birth certificates, school records, and custody orders

- Check books, credit cards, paycheck

Victims may request assistance from law enforcement for a police escort in order to retrieve personal items. It is important to assist them with language interpretation to facilitate this service.



Accessing the Legal System: Civil and Criminal Remedies

Accessing the court system whether civil or criminal can be difficult for anyone who is not familiar with the legal system. For individuals who have limited English proficiency, it is even more difficult. To help a victim access the legal system you can:

- Help connect them to legal counsel and resources
- Determine what interpreting services are available
- Accompany the victim to court
- Review the various options the victim has in responding to their particular situation
- Develop safety plans
- Help the victim gather relevant information or documents (police records, apologetic or threatening notes from the abuser, relevant medical records, photos, etc.)

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Civil Protection From Abuse (PFA) Order

A victim of abuse can ask for protection through a Protection From Abuse (PFA) civil petition. Abuse is defined as any threatening or harmful conduct including serious emotional harm. An order of Protection from Abuse is issued by a Family Court Judicial Officer ordering someone (Respondent) to stop abusing another person (Petitioner). The Order can also be granted by consent.

Relief may include ordering the Respondent to stay away from the Petitioner, payment of rent/mortgage, utilities, food, health insurance, transportation assistance, exclusive use of vehicle (maintaining insurance and registration), awarding temporary custody and providing conditions of visitation, surrendering of firearms, counseling and any other relief that might help prevent future violence. In addition, the Court can order the Respondent to give the Petitioner important documents, such as: passport/visa, medical/ immunization records, work authorization card, copies of receipt notices from immigration, marriage license and/or divorce decree from the Petitioner's home country, affidavit of support, photographs, social security cards, birth certificates, public assistance documentation, medical cards, custody orders, school records, etc. The Petitioner should list the documents that they need in the PFA Petition.

Spouses, ex-spouses, family members, persons living together as a couple, with or without a child/children, or persons living separate and apart with a

child/children in common, or persons (includes same sex) in a current or former substantive dating relationship may file for an Order of Protection From Abuse. The Division of Child Protective Services and Adult Protective Services may file on behalf of a child or an adult. Parents/guardians may also file on behalf of an adolescent in an abusive dating relationship.

Organizations that can help immigrant victims file for protection in Family Court:

New Castle County
Legal Helpline: 302-478-8850
Domestic Violence Advocacy Center:
302-255-0420

Kent/Sussex County
Community Legal Aid Society
Kent: 302-674-8500
Sussex County: 302-856-0038
Domestic Violence Advocacy Center,
Kent: 302-672-1075
Sussex: 302-856-5843
La Esperanza: 302-752-3191

Refer to Appendix A (pages 9-16) or the DVCC Website for a list of other State agencies/organizations that can assist immigrant victims with the PFA process: www.dvcc.delaware.gov.

Criminal Remedies

Domestic violence can also be addressed through the Criminal Justice System. An individual may choose to call the police to protect themselves during a domestic violence incident or when the abuser has violated a civil protective order. After an arrest, the State may prosecute the person

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charged. Possible charges may include assault, violation of a protection order, murder, rape, kidnapping, false imprisonment, stalking and others. Family Court has misdemeanor criminal jurisdiction over persons that meet the definition of family. If a victim is not married to the abuser, does not live with the abuser, and there are no children in common, the misdemeanor charges will be heard in the Court of Common Pleas. All felony charges are heard in Superior Court.

Victims of domestic violence can be granted a Criminal No-Contact Order pending a court hearing.

See Appendix B (pages 17-18) for an explanation of civil vs. criminal remedies for domestic violence victims.



Helping Immigrant Victims – Children

If the person you are helping reports that their partner is threatening to take their children away or to take them to his/her home country, you should:

- Recommend that they apply for custody in Family Court. A custody order can include prohibiting their partner from removing children from the State. If their children are U.S. citizens, a copy of the order should be sent to the partner's home country embassy, and a copy should be sent to the U.S. Department of State to prevent the issuance of passports and visas for the children.
- Recommend that a copy of the custody order be given to their child's school. The school should be instructed not to release their child to anyone but them.
- Suggest that the person you are helping have recent photos, passports and birth certificates for their children
- Suggest that the victim keep a list of addresses/phone numbers of their partner's friends and relatives in their home country

Organizations that can help immigrant victims file for custody in conjunction with a Protection From Abuse Petition:

Statewide Legal Helpline

1-800-773-0606

Community Legal Aid Society

New Castle: 302-575-0660
Kent: 302-674-8500
Sussex: 302-856-0038

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Rights and Services for Immigrant Victims

Although a victim's immigration status may present certain challenges, victims do have rights:

- They do not need to be a citizen or have documentation to file a petition for Protection From Abuse
- They have the right to keep their immigration status private if they reach out for shelter and/or advocacy services
- Injured immigrant victims may seek emergency treatment at the nearest medical facility
- As a crime victim, they are not required to report their immigration status to law enforcement

When providing an outreach service to the community, it is very important to mention the services available to all victims, especially to immigrants who may believe they do not have rights.

Current immigration status affects a victim's eligibility for government assistance and benefits.

Immigrant victims of domestic violence can receive many services including:

- Shelters and other services for victims of domestic violence
- Protection orders from the Court
- Child custody and support
- Police assistance
- Medical emergency assistance

- Public benefits for their U.S. citizen children
- The Victim's Compensation Assistance Program (VCAP) may assist with paying medical/dental bills, counseling, relocating costs, funeral expenses and other services depending on the incident and cooperation from the victim

Immigration Status Protections

There are three types of immigration status protections for victims of abuse. The Violence Against Women Act (VAWA) Self-Petitioning Process, U-Visa and T-Visa processes are very complex. Every case is different and only an immigration attorney should give legal advice. If you are not an immigration attorney make that clear to the victim and help connect him/her to someone who has specialized knowledge of immigration law.

VAWA Self-Petitioning process

The Violence Against Women Act (VAWA) provides the possibility of legal immigration status to a victim who is married or believes themselves to be married to an American citizen or permanent resident spouse who abuses them, regardless of whether the victim is in the U.S. with documents. Victims may be male or female. It is important that a person petitioning for a VAWA Self-Petition work with an attorney or immigration counselor/advocate that is familiar with the VAWA Self-Petitioning process.

The following is a list of documents that a lawyer or immigration counselor can use to prove that a survivor of domestic

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violence meets the VAWA requirements to petition for permanent residency:

- Proof of abuse and/or extreme cruelty
- Proof of identity and current immigration status
- Proof of spouse's status
- Proof of the marriage
- Current residence
- Proof of having lived with spouse for a period of time (doesn't matter if in the U.S. or elsewhere)
- Proof of termination of previous marriages.

U-Visa

The "U" Visa allows an injured victim of domestic abuse, rape, sexual assault, abduction, trafficking and many other serious crimes to request a U Visa if the crime is reported to authorities and the survivor is being, or has been, helpful with the investigation of the criminal activity. Victims may be male or female.

It is important that a person petitioning for a "U" Visa work with an attorney or immigration counselor/advocate familiar with "U" Visas. A "U" Visa Certification Form must be submitted to the Department of Homeland Security (DHS) and signed by a law enforcement officer, prosecutor, judicial officer or another investigating authority verifying that the "U" Visa applicant is being or has been helpful in the investigation of the crime for which they were a victim. If prosecution does not occur, the "U" Visa may still be applied for and held.

After three years with an approved "U" Visa, she/he may request lawful permanent residency. This Visa is helpful to victims who are being abused or have been abused by someone who is not a U.S. citizen or legal permanent resident, and who themselves are not documented in this country.

T-Visa

A "T" Visa is available to victims of trafficking. This visa allows the victim to remain in the U.S. to assist authorities in the investigation and prosecution of trafficking cases. It is important that a person petitioning for a "T" Visa work with an attorney or immigration counselor/advocate familiar with "T" Visas.



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Appendix A: Resource List

**Working with Immigrant Victims
State, Regional and National Resources**

Agency: Delaware Resources	Phone/Contact Name	Email Address/Website	Description
Abriendo Puertas of People's Place	302-745-9874	ap@peoplesplace2.com	Bi-Lingual (Spanish-English) 24 hour hotline and shelter services (Sussex County), Services are free.
Catholic Charities Immigration Project	Maria Mesia 302 674-1600 or 410-651-9608	mmesias@ccwil.org www.cdow.org	City of Wilmington and Kent Co. - Bi-Lingual (Spanish-English) assistance for unaccompanied minors
CHILD, Inc.	Hotline: 302-762-6110 Agency: 302-762-8989	www.childinc.com	Bi-Lingual (Spanish-English) Mental Health Services for New Castle County, DVCC Certified Batterer's Intervention Program
City of Wilmington Police Dept.	Carolyn Becker 302-576-3665	Carolyn.Becker@cj.state.de.us	Bi-Lingual (Spanish-English) police based victim advocacy services
Community Legal Aid Society (CLASI)	Laura Graham, Esq. NCC: 302-575-0660 Kent: 302-674-8500 Sussex: 302-856-0038	Lgraham@declasi.org www.declasi.org	Legal assistance for immigrant crime victims, including U & T Visas, VAWA Self-Petitions, Special Immigrant Juvenile Petitions
ContactLifeline, Inc.	1-800-262-9800	www.contactlifeline.org	Bi-Lingual (Spanish-English) services for victims of Sexual Assault in Kent & Sussex County follow up after care services, community outreach to underserved populations, and counseling and support services.

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Crossroads of Georgetown	Yvonne Dodd 302-855-0558	crossroadsqt@comcast.net	Bi-Lingual (Spanish-English) Mental Health Services for Sussex County
Delaware Department of Health and Human Services Division of Social Services	Janneen Boyce, Social Services Administrator 302-255-9608 Thomas Hall, DSS Chief of Policy 302-255-9605	Janneen.boyce@state.de.us www.dhss.delaware.gov/dhss/dss Thomas.Hall@state.de.us	State of Delaware Refugee and Health Coordinator responsible for overseeing Refugee Cash Assistance to immigrant victims who have been certified as trafficking victims Oversees food stamp policy for immigrant victims who have been certified as trafficking victims
Delaware Department of Services for Children Youth and Their Families (DSCYF) Division of Family Services Report Line (DFS)	1-800-292-9582	http://kids.delaware.gov/	24 hour report line for reporting suspected child abuse, neglect or dependency. Bi-Lingual staff is available.
Delaware Helpline	211 or 1-800-560-3372	http://www.delaware211.org/	Phone and online directory of Delaware services. Information and referrals to services are available in Spanish
Delaware State Police Victim Services & Delaware Victim Center	Eunice Mercado 302-633-5000 ext. 5	Eunice.Mercado@state.de.us	Bi-Lingual (Spanish-English) police based victim advocacy services
Division of Medicaid & Medical Assistance	Stephen M Ross, Director 302-255-9535	Stephen.Ross@state.de.us	Oversees medical benefits for immigrants who have been certified as trafficking victims

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<p>La Esperanza</p>	<p>Program Director 302-854-9262</p> <p>Victim Program 302-752-3191</p>	<p>http://laesperanza.org/</p>	<p>Multi-service agency for Hispanics in Delaware. Offers emergency assistance, legal assistance, court assistance, financial management educational sessions, English as a Second Language (ESL) classes and more</p> <p>Services are in a separate, confidential building with full bilingual staff (English/Spanish). Advocates offer accompaniment, interpretation/translation, advocacy, assistance with PFAs, VCAP and other applications; an Immigration Attorney who takes U and T Visa cases, VAWA Self-Petitions and some asylum cases; a therapist who offers mental health counseling.</p>
<p>La Red Health Center</p>	<p>302-855-1233</p>	<p>www.laredhealthcenter.org</p>	<p>Bi-Lingual (Spanish-English) comprehensive health care in Sussex County provided regardless of ability to pay/sliding scale.</p>
<p>Latin American Community Center (LACC)</p>	<p>302-655-7338</p>	<p>www.thelatincenter.org</p>	<p>Bi-Lingual (Spanish-English) advocacy and continuum of care through programs and services, including: mental health (sliding scale and accepts Medicaid), domestic violence counseling/case management, assistance for male Latino victims of crime and legal assistance and community policing</p>

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			outreach for immigrant victims in New Castle County
New Castle County Police Dept.	Carmen Mendez 302-395-8117	cmmendez@nccde.org	Bi-Lingual (Spanish-English) police based victim advocacy services
State of Delaware Department of Justice	Mirta Collazo – Sussex Only 302-856-5353	mirta.collazo@state.de.us	Bi-Lingual (Spanish-English) advocacy services provided to victims of domestic violence and other violent crimes, court accompaniment, referral services, assistance with restitution issues, assistance with Victims' Compensation Assistance Program and notary services for victim assistance related documents. Sussex Only
St. Francis Hospital Center of Hope (Centro de Esperanza)	302-369-9370	www.stfrancishealthcare.org	Bi-Lingual (Spanish-English) comprehensive family practice & prenatal health care services in New Castle County. Patients can receive a discount for services and financial assistance is available for those that qualify.
Survivors of Abuse in Recovery, Inc (S.O.A.R.)	NCC: 302-655-9049 Newark: 302-655-3953 Kent: 302-655-3953 Sussex: 302-645-4903	www.soarinc.com	Bi-Lingual (Spanish-English) counseling services for victims of sexual assault (Kent and Sussex Counties). Services provided regardless of ability to pay/sliding scale.
Turning Point at People's Place	Juan Rodriguez 302-424-2400	www.peoplesplace2.com	Bi-Lingual (Spanish-English) Certified Batterers' Intervention Program for men only.

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<p>United States Attorney's Office United States Department of Justice</p>	<p>Ed McAndrew, Assistant U.S. Attorney 302-573-6150</p> <p>Susan Alfree Victim/Witness Coordinator 302-573-6198</p>	<p>ed.mcandrew@usdoj.gov</p> <p>susan.alfree@usdoj.gov</p>	<p>Point of Contact for Federal Human Trafficking offenses and related crimes</p> <p>Provides prosecution based victim assistance to victims of federal crimes</p>
<p>Westside Family Health Care Center</p>	<p>NC: 302-224-6800 K/S: 302-678-4622</p>	<p>www.westsidehealth.org</p>	<p>Bi-Lingual (Spanish-English) comprehensive health care, mental health services and translation services provided regardless of ability to pay/sliding scale.</p>
<p>YWCA Delaware Sexual Assault Response Center (SARC)</p>	<p>1-800-773-8570</p>	<p>www.ywcade.org/SARC</p>	<p>24-hour sexual assault hotline for New Castle County that also provides 24-hour medical and legal accompaniment. Provides services to 12+ and their non-offending family members or partners.</p>

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Regional & National Resources	Phone/Contact Name	Email Address/Website	Description
Catholic Legal Immigration Network, Inc. (CLINIC)	301-565-4800	www.cliniclegal.org	Multilingual 24 hour hotline that provides outreach and service access to individuals granted asylum. CLINIC also provides legal assistance, training and advocacy.
Hebrew Immigrant Aid Society (HIAS) 2100 Arch St., 3 rd floor Philadelphia, PA 19103	Lisa Hurlbutt 215-832-0900	www.hiaspa.org	Immigrant legal services. HIAS provides representation for immigrants before Homeland Security and U.S. Immigration Court. They also help immigrants with VAWA and U Visas. Services are pro bono.
Legal Momentum	212-925-6635	info@legalmomentum.org www.legalmomentum.org	Provides technical assistance on cases for immigrant victims who may qualify for the U Visa.
National Immigration Project of the National Lawyers Guild	617-227-9727	http://www.nationalimmigrationproject.org/	Provides technical legal assistance on cases for immigrant victims who may qualify for the U Visa.
National Domestic Violence Hotline	1-800-799-SAFE (7233) TTY: 1-800-787-3224 for the deaf &	www.thehotline.org	24 hour hotline with Bi-Lingual assistance for victims of domestic violence

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	hearing impaired		
President's Ombudsman on Immigration Office of the Citizenship and Immigration Services Ombudsman Department of Homeland Security Mail Stop 0180 Washington, D.C. 20528	1-855-882-8100 (toll free) or 202-357-8100 (local) Fax: 202-357-0042	http://www.dhs.gov/topic/cis-ombudsman cisombudsman@hq.dhs.gov	The Ombudsman provides an impartial and independent perspective to USCIS in an attempt to resolve problems. The Ombudsman does not have the authority to make or change USCIS decisions.
Project Reach	Dr. Elizabeth Hopper, Program Director 617-232-1303 Ext: 211	http://www.traumacenter.org/clients/PROJECT_REACH.php	Provides consultation and brief mental health services to victims of human trafficking throughout the U.S. Offers a mobile crisis intervention team that may travel to sites where trafficking victims have been discovered.
The <i>Tahirih Justice Center</i> 6066 Leesburg Pike, Suite 220 Falls Church, VA 22041	Martina Vandenberg 571-282-6161	www.tahirih.org info@htprobono.org	The <i>Tahirih Justice Center</i> was founded in 1997 to address the acute need for legal services of immigrant and refugee women seeking protection from human rights abuses. Services are pro bono.
National Human Trafficking Resource Center	1-888-373-7888	www.traffickingresourcecenter.org	A national, anti-trafficking hotline and resource center serving victims and survivors of human trafficking and the anti-trafficking

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			community in the United States. Callers can speak with the hotline in English or Spanish, or in more than 200 additional languages. The NHTRC is operated by Polaris .
U.S. Department of Health and Human Services Office of Refugee Resettlement (ORR) Human Trafficking Contact	1-866-401-5510	www.acf.hhs.gov/programs/orr/	Has the authority to issue certification letters for adult victims of severe forms of trafficking and issue eligibility letters for child victims of severe forms of trafficking to receive benefits (TANF/Medical, etc.).
U.S. Department of Health and Human Services Office of Refugee Resettlement (ORR) Unaccompanied Refugee Minor Program	Pamela Green-Smith, Director Division of Refugee Assistance 202-401-4531	http://www.acf.hhs.gov/programs/orr/programs/unaccompanied_refugee_minors.htm	Provides specialized foster homes, licensed care settings and other services for unaccompanied trafficked minors who have received an eligibility letter from HHS.
U.S. Department of Justice Executive Office for Immigration Review (Pro Bono Program)	Steven Lang, Esq., Coordinator of Orientation and Pro Bono Program	Steven.Lang@usdoj.gov www.usdoj.gov/eoir	For cases that qualify – assistance with locating pro bono lawyers for indigent people in immigration removal proceedings
U.S. Department of Justice Office for Victims of Crime (OVC)		www.ojp.usdoj.gov/ovc	OVC funds victim service programs for alien trafficking victims. OVC also oversees diverse

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			programs that benefit crime victims, provides grants and funding, information, publications, resources, training, technical assistance, etc.
U.S. Department of Justice (USDOJ) (Trafficking in Persons and Worker Exploitation Report Line)	1-888-428-7581	www.justice.gov/crt/about/crm/htpu.php	Report line and information on what DOJ does in the area of Human Trafficking

*It was the intention of the DVCC Immigration Committee to develop a comprehensive resource list. If we have inadvertently omitted any critical services, please contact Aimee.String@state.de.us with the information and to provide further updates.

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Appendix B: Legal Remedies for Domestic Violence Victims

	Protection From Abuse	Criminal No-Contact Order
<p>Civil vs. Criminal</p> <p>Note: Having one of these in place does not preclude the victim from getting the other. The victim may have both a PFA and a criminal no-contact order.</p>	<p>This is a Civil remedy. In a civil case the victim brings the action against the abuser. The victim is asking the court to protect him/her from the abuser. The victim is not asking the court to send that person to jail for committing a crime. There can be criminal sanctions against the abuser if he/she violates the order.</p>	<p>A criminal no-contact order is often generated when the abuser is charged with a crime. In this case, it is the state that has brought the case against the abuser. The abuser is ordered to stay away from the victim as a condition of the offender's bail. Additionally, if the offender is sentenced for this crime, the no contact order may become part of the offender's sentence.</p>
<p>How to obtain</p>	<p>The victim can file for a PFA by filing in the Family Court in his/her county. There are advocates available at the Court to assist the victim.</p>	<p>This process is initiated by filing a report with law enforcement.</p>
<p>What does it do?</p>	<p>Depending on the circumstances a PFA can order the abuser to do all or some of the following:</p> <ul style="list-style-type: none"> • Stay away and/or stop contacting the victim • Stop threatening/abusing the victim (or his or her minor children) • Pay child and/or spousal support • Pay other expenses • Surrender any and all firearms • Attend counseling 	<p>In a criminal no contact order, the abuser is precluded from having any contact or communication with the victim.</p>

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OF DOMESTIC VIOLENCE**

	<ul style="list-style-type: none"> • Not destroy, sell or conceal joint property <p>A commissioner or judge may also grant:</p> <ul style="list-style-type: none"> • Exclusive use of the home and/or certain possessions (like a vehicle) • Temporary custody/visitation of children 	
<p>How long does it last?</p>	<p>Most long-term orders are issued after a court hearing for up to a year. However, if it is necessary to prevent further acts of Domestic Violence an order may be issued for 2 years and where there is aggravating circumstances a permanent order can be issued.</p>	<p>The no contact order will be in place as long as the charges are still pending against the offender. If the offender is sentenced on the charges and the no contact order is made a part of the offender's sentence, the no contact order will be in place as long as the offender is still serving the sentence, whether that is incarceration or parole/probation.</p>
<p>Is there a fee?</p>	<p>No.</p>	<p>No.</p>
<p>For Additional Information</p>	<p><u>Court Information:</u></p> <p>Domestic Violence Advocacy Centers</p> <p>New Castle County: 302-255-0420</p> <p>Kent County: 302-672-1075</p> <p>Sussex County: 302-856-5843</p>	<p><u>Attorney General's Office:</u></p> <p>Victim Witness Services Unit/Case Notification</p> <p>New Castle County: 302-577-8500</p> <p>Kent County: 302-739-4211</p> <p>Sussex County: 302-856-5353</p>