

# AGENTS FOR CHANGE

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**Agents for Change** is a publication of the Battered Women's Legal Advocacy Project, Inc.

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## **IMMIGRATION CORNER - Working with Immigrant Battered Women in Minnesota**

As more and more immigrant battered women seek help and reach out to advocates, it is important to keep up to date with all immigration changes. After working with immigrant battered women in the United States for 18 years, I have learned quite a bit not only about immigration rules and procedures, but have also acquired an understanding about being an immigrant and a battered woman in this country. When working with immigrant battered women, I personally try to look at the woman's case from two perspectives: the cultural aspect and the immigration aspect.

On one hand, advocates must learn about the cultural issues, and how such issues relate to domestic violence. Keep in mind that domestic violence is a Western term, (basically from the industrialized countries) so do not be surprised to find out that "DV" is not something one talks about or refers to at all. Thus advocates must "dig" for all information about abuse, identify it, and name it. Eventually this has to be explained to the woman. It is crucial that immigrant battered women be told that abuse/domestic violence is a punishable crime in the United States. This may sound basic, but is not so for a person who is foreign born. I will

*(Continued on page 5)*

## **SAYING GOODBYE TO LIZ**

Liz Richards, long time attorney with the Battered Women's Legal Advocacy Project, Inc., has decided that it is time for change. Liz will be leaving BWLAP at the end of the year to pursue private practice. We at BWLAP will miss Liz, and we wish her the best of luck!

## Technical Assistance Training in Crookston a Success

On November 21<sup>st</sup> and 22<sup>nd</sup>, Gloria Fressia of BWLAP conducted a Spanish Training in Crookston with Hispanic and Latina Battered Women. The Children's Program and Sexual Assault Intervention Project sponsored this training. The topics we worked on included:

- Abuse and Violence Prevention
- Outreach to Hispanic/Latina Immigrant Women in Minnesota
- Community Organizing
- Legal Advocacy

The first day of the training, we worked with Latina community representatives to define the problems and barriers they are currently facing and some feasible solutions. On the second day we met with professionals to brainstorm about the topics defined the day before.

By the end we came up with some actions that the community can take regarding organizing for social change. The training in Spanish was a success and BWLAP is considering holding other trainings in Spanish in the future.



**"As a woman I have no country. As a woman my country is the whole world."** —Virginia Woolf

En este número queremos saludar especialmente a la comunidad hispana de Crookston. BWLAP siente la necesidad de ayudar a la comunidad hispana de Minnesota a organizarse de manera de poder luchar contra las barreras que debe enfrentar día a día.

Es por eso que en Noviembre nos reunimos dos días en Crookston con Hispanic Battered Women and Sexual Assault Intervention Programs junto con la comunidad y los profesionales hispanos del área. Con su ayuda definimos algunas estrategias de organización comunal para lograr mayor representación y presencia social e institucional.

La discriminación y la falta de competencia cultural para atender a las necesidades de la población latina son algunos de los temas que se abordaron. El compromiso que hemos encontrado en esa comunidad con estos temas nos alienta en nuestro trabajo.

Creemos en la alta capacidad de organización de nuestra comunidad y asimismo que sólo a través de la suma de esfuerzos coordinados se puede construir la voz, la presencia y el respeto que necesitamos para vivir y crecer en esta sociedad.

## OFP CASE LAW UPDATE

**BWLAP has a summary of all of the OFP and Harassment Restraining order cases that have been appealed in Minnesota. The summary is updated each summer and is available for \$10.00.**

Since August there has been an additional OFP appeal case. That is the case of Bell v. Marvin. Bell v. Marvin, No. FX-01-876 (Minn. App. Nov. 5, 2002). The Bell v. Marvin case has no recent, immediate physical assault or threat but there are prior physical assaults. The issue on appeal was whether there was enough information to find a threat of imminent harm.

Bell filed for and received an ex parte OFP against her ex-husband, Marvin. The OFP was based on the following incidents:

- March 1997, Marvin sexually assaulted Bell and broke her finger.
- August 1998, Marvin physically assaulted Bell by grabbing her by the throat and beating her head against a wall. Marvin unplugged the phone when Bell tried to call for help.
- November 2001, Marvin physically assaulted Bell, resulting in her hospitalization.

At the end of December 2001, Bell applied for

and was granted an ex parte OFP.

At the hearing in January 2002, an OFP was issued for one year. Marvin appealed, claiming that the domestic abuse acts were in the past and were not enough to show that he had a present intention to harm Bell or that he posed a continuing threat to her safety.

The domestic abuse act requires that there be a showing of present harm or intent to do present harm. The appeals court did say that the major abusive incidents happened in the past and were separate from the OFP action. However, the appeals court also said, "This is not a case of verbal threats and rude behavior." Given the nature of the abuse (sexual assault, hospitalizations, violent and severe abuse), the court could find that Marvin posed a continuing threat to Bell.

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## IN HONOR OF PAUL AND SHEILA

Like many in Minnesota and across the country, we at BWLAP still mourn the loss of Paul and Sheila Wellstone. Paul and Sheila were both strong supporters of programs to assist battered women, and their loss has had and will continue to have a profound impact on the work that we all do. In their honor, we at BWLAP will continue to work hard to realize our goals and to ensure that the Wellstones' legacy is not forgotten.

## New Faces at BWLAP

### **Maria Gloria Fressia**

I joined the BWLAP staff last November. Before that, I volunteered at this agency for several months. I am really excited about working in this organization and look forward to interacting as much as possible with our community.

As a legal Advocate I will be involved in all kinds of legal issues helping battered women. You may reach me either by phone at 612.343.9876 or by email at Gloria@bwap.org. I welcome your suggestions, comments, or questions.

I would like to say thanks to the staff members of BWLAP for giving me the opportunity of working with them against domestic violence. I have practiced law in Uruguay for more than twenty years, in some cases with issues related to domestic abuse. I really enjoy having the chance to add my cultural perspective and my experience to the achievement of our goals.

I look forward to working with you very soon!

### **Rumna Chowdhury**

I started as a Legal Resources Program Manager with BWLAP in November, 2002, after graduating from the University of Minnesota Law School last May. I am interested in the fields of domestic violence and sexual assault and have experience working directly with survivors of both.

I am very excited about joining BWLAP, and I am looking forward to the opportunity to put my legal and advocacy skills to work. At BWLAP I will be doing government grant work and organizing technical assistance trainings across the country, among other things.

I have already met many new people during the last few weeks, and I am eager to meet others in the field. Please feel free to call me at any time, with questions or just to say hello.

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## Thank you to all our supporters!!

At the close of each year, we wish to acknowledge the generosity of the many community members and organizations who make the work of Battered Women's Legal Advocacy Project, Inc. possible. Thank you!

St.Paul Foundation

PWF

McKnight Foundation

J. Thorpe Foundation

Department of Corrections

Butler Foundation

Phillips Family Foundation

Women's Foundation of Minnesota

Minnesota Department of Justice

Minnesota State Bar Foundation

Minnesota Center for Crime Victim Services

Minnesota Department of Health

E lmer L. & E leanor J. Andersen Foundation

## IMMIGRANT BATTERED WOMEN

*(Continued from page 1)*

address cultural issues in our next newsletter.

On the other hand, immigrant battered women fleeing abuse must deal with immigration issues. Immigration laws, rules, and regulations are constantly changing. However, there are some basics that advocates must know in order to work with immigrant battered women. Battered women can petition for themselves under the Violence Against Women Act of 1996. I write this article to remind advocates of the importance of reminding women that the act was passed so that immigrant battered women could SELF petition, meaning without having the abuser petition her. I also remind advocates not to be afraid to assist immigrant battered women to gather and assess the information that accompanies such petition. Advocates play a very important role in this process, simply because it is the advocate whom the woman usually trusts and tells about all the abuse. So, when working with these women, it is crucial that the information gathered by the advocate be accurate and complete. In this article, I will mention some of the basics one must become familiar with when working with immigration issues and a battered woman.

First, advocates must understand what the INS is, understand immigration terminology, and rules and regulations in the US. You may look up this information on the INS

web site ([www.ins.gov](http://www.ins.gov)). Then advocates must find out if the woman has documentation and what kind. This includes, but is not limited to: Legal, Non-legal, issued in her country of origin, or issued in the USA, if any. The next step is to find out if the person is married to the US citizen or a US Permanent Resident. In order to apply under VAWA, the woman must be or have been married to a US citizen and/or to a Permanent Legal Resident.

Once this information is gathered, it is up to the advocate to contact the right attorney or help the woman file the petition. Remember that the advocate can also help the attorney filing this petition. However, these petitions are not always filed by the attorneys; in many cases the woman files it herself. Because not all cases are simple, indeed most domestic violence and sexual abuse cases are very complicated (legally speaking), it is often the case that an attorney is involved. I encourage advocates to work with the woman as much as possible, and when needed work with a good immigration attorney. The process under VAWA can be long, thus advocates must think about issues pertinent to housing, money, and other basic needs while the woman is given a work permit, or any other legal documents that allow her to

*(Continued on page 6)*

## Here are a few reminders for advocates when working with immigrant battered women

### Change of Address:

It is important that any immigrant and non-immigrant in the US let the INS know if s/he is moving to a new address. Please make sure the Alien's Change of Address Card is sent to the INS. You can download the proper form, the **AR-11 form**, from the INS website at: [www.ins.gov](http://www.ins.gov). This form is available in several languages. It must be sent to:

US Dept of Justice, INS, HQ ORM  
425 I Street NW, ULLICO 4<sup>th</sup> Floor,  
Washington DC 20536.

Please make sure the person sending this information keeps a copy of what was sent, and a receipt from the post office. You can also call our office and we will be happy to fax this form.

### MN Driver's licenses:

Let your clients know that it is a requirement that original foreign documents be translated. Many agencies take advantage of this requirement by charging high prices to translate a one-page document (like a foreign driver's license) into English. We recommend that your client shop around for such translations. Should immigrants find discrimination or abuse when applying for new licenses, they can file complaints. Find all the above information on the following web site: <http://www.dps.state.mn.us/dvs/driverlicense>.

Feel free to call our office with questions.

### MFIP and Immigrants:

Many "legal" immigrants and "qualified" non-citizens do qualify for benefits under the Farm Security And Rural Investment Act of 2002. Qualified non-citizens are those immigrants who:

- were lawfully admitted for permanent residence under the INA,
- are refugees( including Haitian, Cuban, and Amerasian immigrants),
- are asylees,
- have been paroled into the US for at least a year,
- were granted "conditional entry," into the US before 4/1/80,
- **are battered non-citizens**, or
- have had their deportation withheld.

For specific information or assistance with a case involving MFIP and DV, call Laura Melnick at Southern Minnesota Regional Legal Services, 651-222-5863, x 241.

### **IMMIGRANT BATTERED WOMEN**

*(Continued from page 5)*

stay in the USA.

Because this is a brief article, more issues regarding domestic violence and immigration will be addressed in our next issue. Please feel free to call our office with specific questions regarding this issue, and feel free to send your questions on a specific case. All we can do is help.

**Send your questions to: [Eva@bwap.org](mailto:Eva@bwap.org)**

## GUARDIAN AD LITEM INFORMATION

A guardian ad litem (GAL) is a person appointed by the court to represent the best interests of a child in court proceedings when there are abuse or neglect issues. Minnesota law requires the appointment of a GAL in juvenile court cases when a child is in need of protection or services (or in all CHIPS actions). In family court divorce, custody, or parenting time proceedings, GALs must be appointed if the court has reason to believe the child is abused.

For battered women, GALs are often involved with their families. GALs can be very helpful or they can create additional problems. Over the years, many concerns have been raised about GALs and the GAL system. Complaints have focused on guardian bias, lack of oversight and accountability, inadequate training, and inappropriate communication between guardians and judges. A good GAL can gather information, help sort out issues in custody disputes or child abuse and neglect cases, determine whether children receive ordered services, and monitor cases for the court. A bad GAL can be manipulated by an abuser and make life miserable for the battered woman and her children.

In 1995, the legislative auditor's report on the GAL system was done. The report identified concerns with the current system and made recommendations. One of the report's recommendations was to create a centralized, state-wide guardian system. Based on the auditor's

report and task force recommendations, a statewide GAL system is being put into place. The legislature has allocated money for a state GAL system, and Mark T oogood is working to head up this effort. Changing the system from a local to a state system will be a slow process. The initial focus is to look at the juvenile court system. The family court system will follow. The number of GAL programs has already been reduced. The current structure is to have GAL programs run by judicial districts. Each judicial district has a GAL program manager.

One of the issues being addressed in setting up the statewide system is whether GALs will become state employees and be uniformly paid. The question remains: If this happens, how will this cost be covered? There is a desire to keep GALs focused on specific duties related to abuse and neglect and not be asked to do custody evaluations or visitation expediting. Training materials are being evaluated, and more uniform policies among districts are being looked at. There is an intention to design and put into place an evaluation program to assure quality in GAL services. Clearly this is work that will be dependent on receiving adequate funding and will involve months or years of work.

Since battered women and their children are so directly effected by the GAL

*(Continued on page 8)*

