

# 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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## BWLAP Teams Up with the Housing Solutions Alliance

BWLAP, along with many other organizations, are working together to pass a bill that will establish a dedicated, secure funding source for affordable housing. Our collaboration is called the Housing Solutions Alliance and we are working to pass the Housing Solutions Act. Why should the domestic violence movement care about affordable housing? 1/3 of all homeless women cite domestic violence as one reason they are homeless and in 2003, battered women's shelters had the highest increase in turning away shelter seekers. One way to decrease the number of homeless battered women and decrease the long-term demand on shelters; is to increase affordable housing options. This is exactly what the Housing Solutions Act does.

The Housing Solutions Act will establish a dedicated, secure funding source for affordable housing by raising the deed tax from 0.33% to 0.5%. This small increase will raise over \$60 million per year for affordable housing. The deed tax is a tax that the seller of a property pays to transfer the deed from the seller to the buyer. The amount of the tax is based on the selling price of the property. 42% of the money raised will be spent on rental assistance to the extremely low income or 30% or below the federal poverty level. This rental assistance will help battered women leave shelters sooner or allow battered women to continue to live in safe housing.

33% of the money raised will be spent on funding the development of affordable housing for the average Minnesota worker. Currently 297,000 low-income households cannot afford their housing and that number will grow to 330,000 by 2010. ("The Next Decade of Housing in Minnesota," BBC Research and Consulting, 2003) Many working battered women are unable to find or continue to afford their housing and this results in them becoming homeless or living in a shelter. Increasing the amount of affordable housing available will allow battered women to find safe affordable housing and prevent them from becoming homeless in the first place.

Finally, 25% of the money raised will be spent on funding the development of transitional or affordable housing through HALO. The 25% designated for HALO will be matched dollar for dollar by local initiatives to create a flexible source of money for affordable housing. At least 40% of HALO's money is allocated for rural areas. Our alliance included this provision specifically because we know that rental assistance is only helpful if there is an affordable housing unit to rent.

46% of women reported they stayed in an abusive relationship because they had no where else to go. The Housing Solutions Act can help give battered women safe and affordable housing through rental assistance and the creation of affordable housing. Please endorse the Housing Solutions Act or find out additional information on our work by going to [www.housingsolutionsalliance.org](http://www.housingsolutionsalliance.org). Let's give all battered women the opportunity to go to a safe home.

## **2006 New Laws: 6 down, 1 To Go**

The staff at BWLAP would like to thank all of the hosts and participates in our annual New Laws training.

Because you all made this year another resounding success, we added an additional location and date.

**Our final New Laws presentation for the year will be on October 16<sup>th</sup> and 17<sup>th</sup> at Chrysalis in Minneapolis.**

For more information about the training at Chrysalis or to obtain registration materials, check out our website at [www.bwlap.org](http://www.bwlap.org)

This year we have trained so far 180 advocates and attorneys from around the State. We sold out 3 of the 6 trainings and we are expecting to sell out this last training at Chrysalis.

This year's New Laws training was made possible by Lawyers Trust Account Board, the Hennepin County Bar Association's New Lawyers Section, the Minnesota State Bar Association's Family Law Section of the Bar's Domestic Abuse Committee and the Minnesota Coalition for Battered Women. **Thank you very much to our sponsors!**

Finally, for those of you who were unable to attend our New Laws training this year, all of the 2006 materials are available for purchase either in print copy for \$25.00 plus postage or on a CD for \$10.00 plus postage. Our order form is located on our website at [www.bwlap.org/publications.html](http://www.bwlap.org/publications.html).

## **NEW !!! JOIN BWLAP'S LIST-SERVE FOR LEGAL ADVOCATES**

BWLAP has launched its new list-serve for Minnesota legal advocates in June! The goal of this new email list is to connect advocates to each other, share new resources, and strategize about solutions to common problems. Dorian Eder will be moderating and answering your legal questions on the list. For more info call Dorian at (612) 343 9845 or email to [dorian@bwlap.org](mailto:dorian@bwlap.org)

### **Goodbye Summer Interns; Hello Fall Interns!**

As the leaves being to fall, it has become time to say goodbye and a big thank you to our summer interns, Jessica, Moriah, Meghan and Imran. As always, New Laws and sometimes the staffs' sanity, would not have been possible without the dedication and hard work of our wonderful interns! BWLAP will always be thrilled to work with you in the future!

It is time now to say welcome to our new summer interns: Christine, Joelle, Lucy and Jay. BWLAP is able to do all the work it does and all the services it provides thanks to the hard work of its interns.

**A big welcome and thank you to you all!**

## **October, Domestic Violence Awareness Month**

### **Why is the system failing to protect battered women in MN?**

As Domestic Violence Awareness Month approaches this October, we have been saddened by the news of several recent domestic violence murders in Minnesota. In two of the recent cases, women were murdered in their own homes after obtaining Orders for Protection against the men who allegedly killed them. Many of us received requests from media to comment on these sad circumstances, and offer our perspectives on what went wrong.

Unfortunately, for all of us who have done this work for any length of time, the real story is that the systemic and community failures that end in the murders of Minnesota women are common. And even as our thoughts and prayers go out to the friends and families of the women murdered, we count ourselves lucky for every day we don't hear horrible news about a woman we know.

So, while our job is in part to reiterate how dangerous the world is for battered women, to enumerate the ways in which the system fails them and their children and to exhort the community to be more involved, what we really want to do is say thank you to all of you who work with battered women every day despite all of those failures. In times like these we need to remind ourselves and each other of all the good we do to prevent harm to women and children.

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### **Do you want to improve the safety and wellness of the immigrant community in MN?**

The Immigrant and Refugee Battered Women Task Force invites attendees to the last Conference, 2006 Training Institute, to join the Task Force to work together in changing systems to improve the lives of immigrants victims of domestic violence and other crimes of violence. If you are interested, please call Gloria Fressia at 612 343 9846 or email to Gloria@bwlap.org.

### **2006 Order for Protection and Harassment Restraining Order Summary is now available!**

#### **The newly updated and revised 2006 Order for Protection (OFP) and Harassment Restraining Order (HRO) Summary is now available!**

This is an undeniably amazing resource that summarizes **all** of the civil case law, published and unpublished, dealing with OFPs and HROs from 1984 to July, 2006.

You want to know if threats to kidnap the children qualify the petitioner for an OFP: look to the summary, I bet there is a case on point.

You want to know how many published HRO cases there are in Minnesota: this summary can tell you.

After looking to the summary, you find out there is not a HRO case on point, so you want to know if you can apply OFP case law to a HRO context: the summary can tell you that also!

To get your very own fancy pants OFP/HRO summary, send BWLAP \$10.00 plus postage for a printed copy or \$5.00 plus postage for a CD copy. Save on postage; order the OFP/HRO Summary and receive it via e-mail for only \$5.00. Get yours today!

## *Immigration Corner*

### **Notes from Gail Pendleton's workshop on the topic: "Creating a Welcoming Climate for Immigrants and Refugees," at the past Immigrant and Refugee Battered Women Task Force Conference.**

The two day 2006 Training Institute on Domestic Violence & the Immigrant and Refugee Community facilitated by the Immigrant and Refugee Battered Women Task Force (IRBWTF) last September 14<sup>th</sup>. and 15<sup>th</sup>, with the sponsorship of MN Coalition for Battered Women, was a resounding success.

The Immigrant and Refugee Battered Women's Task Force Task Force is a grassroots network of advocates working on behalf of the rights of immigrant and refugee battered women and their children. It draws its diverse membership of women from a variety of battered women's, immigrant, and human rights advocacy programs without affiliation to any single program.

In this opportunity, in addition to an important number of immigration lawyers, activists, and advocates, who shared their inspiration, knowledge and experience with us, we counted with the presence of Gail Pendleton. Gail is one of those persons who don't require presentation. She is well known for her relentless fight for the immigrant rights in the United States. She has dedicated her whole life to change the social and legal system in order to improve the lives of immigrants in this country, in particular immigrants victims of domestic violence and other crimes of violence. Gail Pendleton is Co-founder and Co-Chair of the National Network to End Violence against Immigrant Women and Co-Director of ASISTA, a national immigration law technical assistance project funded by the federal Office on Violence against Women. Formerly Associate Director of the National Immigration Project, where she worked for twenty years, she is now an independent consultant, providing innovative multi-disciplinary trainings on immigration options for immigrant survivors of domestic violence, sexual assault and trafficking. She received the American Immigration Lawyers Association's (AILA) Human Rights Award in 2001, received her J.D. in 1985 from NTU School of Law and her A.B. from Harvard/Radcliffe College in 1981.

The Conference closed with a workshop in which Gail discussed different ideas on the topic of "Creating a Welcoming Climate for Immigrants and Refugees."

Following, we are publishing the notes that Elizabeth Shreve from Alexandra House and Gloria Fressia from Battered Women's Legal Advocacy Project (both members of the IRBWTF jointly with Betty Balan, Meghan Khol from Casa de Esperanza, Laura Nelson from MN Advocates for Human Rights, Melisa Gomez from Saint Paul Intervention Project, and Naly Yang from MN Coalition for Battered Women) took from this particular workshop, in the hope that the ideas reflected there could help those who could not attend this Conference, in creating collaborations to build up the very much needed welcoming climate for immigrants in Minnesota.

### **Creating a Welcoming Climate for Immigrants and Refugees (Notes from Gail Pendleton Workshop)**

Ways to make connections:

- We can share our resources
- We can share our areas of expertise
- Develop relationships across professional fields – creating relationships between attorneys and advocates, for example. If the relationship already exists, it will be easier to connect individual clients with useful services.

Ideas for outreach:

- Connect with people in various official systems (law enforcement, judges) that are sympathetic and supportive. They may not be that hard to find!
- Create an advisory group to guide outreach efforts

**Do you need technical assistance with Minnesota's current domestic violence issues?**

**Check out BWLAP's**

**Website**

**[www.bwlap.org](http://www.bwlap.org)**

How can we make connections with new immigrant groups? What is successful?

- “New arrival” orientations
- ESL classes
- Use pictures, cartoons to discuss domestic, sexual assault.
- Act things out – don’t assume a common understanding of anything. For example, expectations of how to behave when pulled over by the police vary greatly. In some countries, you would be expected to get out of the car and possibly reach for your wallet. Here, those actions would be interpreted as dangerous.
- The topic doesn’t have to be domestic violence. New arrival orientations can cover topics like spanking and domestic violence as well as basic orientation information, like how to get a driver’s license or call 911.

What should we expect when we create collaborations to serve immigrant and refugee communities?

- We have to go to the communities with whom we want to collaborate. We can’t expect them to come to us.
- Use a trusted messenger to extend invitations, establish connections. A community that doesn’t know your agency may be willing to trust you if a key person can vouch for you.
- Building relationships takes time.
- Identify your allies, and support them. Give them awards and invite them to dinners. They may not have a lot of support in their own organizations.
- Reach people in new places. Go to the institutions used by the community: businesses, schools, churches. Use the media that the community uses; some immigrant communities rely heavily on radio broadcasts, others have a strong network on the internet.
- Participate in community building activities.
- In any collaboration, take time to find out about each other’s roles. Don’t assume that you know what they are. Try role-playing a few scenarios while taking on someone else’s role.
- Assume good things about each other.
- Find the common ground, and stay there. Don’t get into other issues, in particular never get into conflictive issues.
- Help each other. Talk to law enforcement about how you can make their jobs easier or more effective (U visas area is a great example of how advocacy for immigrants and refugees can help law enforcement.) Talk to immigrant and refugee communities about how understanding domestic violence law can ease their transition in this country. Talk to trafficking groups about how trafficking relates to domestic violence, and about how advocates may be the first people to talk to battered women who were trafficked.
- Listen to your partners’ input as well. Immigrant and refugee communities can tell you how they will help make your services stronger. They can tell you where the traffickers live. Law enforcement can tell you how they can protect immigrant victims of crime, and they can oppose policies that will make the community more dangerous for immigrants. Groups working on trafficking can tell you how they can help women who’ve been trafficked.

### **Would You Like to Receive *Agents for Change* Via E-mail?**

If so, let us know! We can either e-mail each new addition of *Agents for Change* to you or let you know when the newsletter is posted on our website.

If you are interested in receiving this newsletter in electronic form instead of on paper, send an e-mail to [info@bwlap.org](mailto:info@bwlap.org) and let us know how you would like to receive the newsletter.

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## *Punto de Vista Latino*

### *Algunos aspectos del Asilo a mujeres en los Estados Unidos y las relaciones de género.*

En los últimos doce años ha habido en los Estados Unidos una gran evolución legislativa, por la cual las personas inmigrantes víctimas de violencia doméstica han recibido protección legal tendiente a obtener su estatus de residente legal permanente.

La ley de Violencia Contra las Mujeres aprobada en 1994 (VAWA por sus siglas en inglés) luego modificada y mejorada en el año 2000 y recientemente en el año 2005, otorgó la posibilidad de obtener la calidad de residente a personas abusadas, casadas con un ciudadano norteamericano o con un residente legal permanente. Esta protección se extiende al cónyuge, aún en el caso de que el abuso no recaiga sobre la persona misma, sino sobre sus hijos.

Por su parte, en el año 2000 la ley de Protección a las Víctimas de Tráfico de Personas y Otros Crímenes de Violencia (VTVP por sus siglas en inglés) creó un nuevo e importante beneficio para aquellas personas víctimas de violencia doméstica y/o otros crímenes de violencia, acaecidos en el territorio de los Estados Unidos, sin necesidad de que estas víctimas estén casadas con ciudadanos estadounidenses o residentes legales permanentes. En este caso, para obtener el beneficio migratorio, es suficiente que la persona haya sido víctima de uno de los crímenes establecidos en la ley y esté dispuesta a colaborar con el sistema criminal para que el culpable pueda ser castigado. Este es el clásico escenario que da lugar a lo que se conoce con el nombre de Visa U.

Este último, sin duda, es un enorme paso que viene a proteger a una enorme cantidad de personas – aún indocumentadas – que han sido víctimas de delito en los Estados Unidos. Está demás destacar la importancia de esta ley para la comunidad latina, en particular para las mujeres latinas que sufren violencia doméstica.

Pero queda todavía mucho por avanzar. Y, debo decir que – a mi modo de ver - el próximo paso pendiente, en este largo y escabroso camino hacia una mayor protección de las mujeres inmigrantes, es el de obtener un cambio en la jurisprudencia migratoria, de modo que los jueces de inmigración apliquen entera y debidamente las leyes de asilo vigentes en los Estados Unidos y comiencen a resolver positivamente pedidos de asilo de mujeres que ingresan a este país, huyendo de extremas situaciones de persecución de género, por falta de protección en sus países de origen.

Es importante destacar en este punto, que las disposiciones legales existen pero no se aplican debido a una extremadamente restringida interpretación por parte de los agentes que deben ejercitarlas. Basta dar como ejemplo de esta tendencia, la denegación de asilo por parte de la Corte de Apelaciones de Inmigración (BIA por sus siglas en inglés) en el caso de Rodi Alvarado, una víctima de violencia doméstica extrema, cuya vida peligraba en caso de ser removida de los Estados Unidos, para mostrar claramente la hostilidad de nuestros jueces en los reclamos de Asilo basados en persecución de género.

Vale aclarar que persecución de género es aquella que sufren las mujeres por su calidad de tales o que sufren predominantemente las mujeres por su calidad de tales. Ejemplos de la primer categoría son la mutilación genital femenina, la muerte por adulterio, el aborto forzado; ejemplo de la segunda categoría es la violencia doméstica.

De acuerdo con el Centro para Estudio de Asuntos de Género y Refugiados (Center for Gender & Refugee

Studies), un refugiado es una persona con un bien fundado temor de persecución por razones de etnicidad, religión, nacionalidad, opinión política o pertenencia a un determinado grupo social.

Para poder obtener la condición de refugiado en los Estados Unidos, una persona debe probar los siguientes tres elementos:

1. Debe padecer persecución, por un gobierno, por individuos, o un grupo de individuos que el gobierno no puede controlar.
2. El temor de la persecución, debe estar debidamente fundado. (La Suprema Corte de los Estados Unidos ha aclarado que un temor es debidamente fundado cuando existe al menos una posibilidad en diez de que aquello temido se cumpla).
3. El daño o la persecución debe ser infligido a la persona, por razones de etnicidad, religión, nacionalidad, opinión política o pertenencia a algún grupo social determinado.

De acuerdo con esta definición legal, una mujer víctima de aborto forzado o de violencia doméstica, perteneciente a un país que no tiene leyes ni infraestructura que la proteja, debería poder obtener su calidad de refugiada en los Estados Unidos. En efecto, ella sufre (1) persecución por un individuo que el gobierno no puede o no quiere controlar, (2) puede probar que su temor es bien fundado y (3) el daño o la persecución le es infligido por razón de pertenecer a un grupo social determinado (precisamente, el grupo social integrado por todas las personas de su mismo género).

Sin embargo, pese a que la letra de la ley la ampara, estos casos son sistemáticamente denegados por la Corte de Apelaciones de Inmigración. (BIA por sus siglas en inglés).

Es cierto que en general los reclamos de mujeres buscando asilo difieren de aquellos casos en que son hombres quienes buscan el mismo beneficio.

Las mujeres por lo general sufren daños que son específicos de su género, o que padecen las mujeres sólo por razón de su género, como los ejemplos antes mencionados.

Además, en general en estos casos el que inflige el daño es una persona privada, no un grupo de personas o el Estado mismo.

La jurisprudencia se ha basado en estas características – que no alteran para nada la sustancia del asunto - para no reconocer que estos daños - que padecen algunas mujeres en algunas sociedades, por su calidad de tales - puedan considerarse persecución.

Sin embargo, las protecciones internacionales y las disposiciones internas que regulan el asilo, claramente abarcan los casos de persecución de género. Debemos luchar para obtener un cambio en la jurisprudencia que respete la letra clara de la ley.

### **A Call for Pro/Low Bono Attorneys**

BWLAP is calling for pro/low bono attorneys to represent battered women throughout the State. If you are an attorney and interested in helping battered women in a variety of legal situations, please e-mail us at [info@bwlap.org](mailto:info@bwlap.org) and let us know. If you are an organization that has a list of attorneys who will represent battered women in either a pro or low bono way, let us know. Through pro/low bono attorneys, we can make sure that all battered women receive the representation that they need and deserve.

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BWLAP is a Minnesota-based, statewide, non-profit organization that provides legal information, consultation, training, litigation support, and policy development assistance to battered women, their advocates, civil/criminal justice, and social service systems.

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## Cell Phone Donations

BWLAP is still collecting old cell phones . Many of you have old cell phones gathering dust at the bottom of a desk drawer. These phones can be put to good use and you may also be able to get a tax deduction based on the value of the phone you donate. Please consider donating cell phones that you no longer use, no matter the condition. Drop off used phones at our office or you can mail them to us.

Thank you!

## BWLAP extends its heartfelt gratitude to our funders:

It is only with the help of our funders that we may help others. *Thank you!*

Alkire Foundation  
Elmer and Eleanor Andersen Foundation  
Bremer Foundation  
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Initiative Foundation  
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Office of Justice Programs (ex-MCCVS)  
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