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Where immigration law meets family law

By SYLVIA ADCOCK, Staff Writer

On Thursdays, a telephone at the **Legal Aid of North Carolina** office in Raleigh rings off the hook.

The callers aren't the usual questioners who might need help with things like foreclosures or consumer-protection issues. This is **Legal Aid's Battered Immigrant Project**, a highly focused area where the intersection of immigration law and family law helps address the specific needs of immigrant women who are victims of domestic violence.

The project formally began in 2002 with one full-time attorney and has since grown to five attorneys and three paralegals. It was initially an interest of Deborah Weissman, former executive director of what is now LANC. In 1998 Weissman, now a professor at UNC law school, began looking into the need to focus on family and immigration law and hired someone to research the remedies that might be available to immigrants who are victims of domestic violence.

When **Rona Karacaova**, super-visor attorney on the project, was hired in 2002, lawyers handled about 50 cases a year. Today, that number has grown to 300.

"We have to turn people away," said project attorney **Jennifer Stuart**. The intake specialist takes calls all day on Thursday and "it's first-come, first-served - whoever gets a live person on the phone."

Stuart said that immigrants who are victims of domestic violence have to deal with language barriers, transportation problems, unfamiliarity with the culture or geography. But most importantly, the abuser in these cases will often hold the victim's immigration status over their heads as a threat.

"They are told that the system will work against them," Stuart said. "They are told the police won't believe them."

In fact, the system can work for the abused immigrant. An undocumented abused woman can be eligible for a "U visa," available to any-one who is the victim of a crime and cooperates in a police investigation. It's a process that can take anywhere from six months to two years, so it's not a quick fix, but it can make a lasting difference.

Other times the project attorneys will deal with cases in which a documented abuser is in the process of a petition to get documentation for the spouse. Sometimes the abuser will then fail to complete part of the process, using that as a threat. The attorneys can help the victim file a self-petition.

Stuart said the work is very rewarding. "You get to see people make changes in their lives, make positive changes and get past things," she said. Overall, she said, immigration law is a "happy area," especially when attorneys get a chance to see people approved for status that can lead to citizenship or get the work authorization they've been waiting for.

The work is very "mail-driven," she said, because so much of the tasks involve paperwork. Acceptance or rejection notices - or work authorization cards - will come in the mail.

"We have what we call good mail days," she said. That's a day when the mail is full of approval notices and work-authorization cards and she gets to call clients with good news.

Stuart, like the other attorneys on the project, speaks Spanish. She took a six-week immersion course in Guatemala, but she says she is not fluent. "I can convey things about immigration law more easily than I can order in a restaurant," she said.

Other languages come into play as well. She said she has dealt with cases in which clients spoke Vietnamese, French, Mandarin, in addition to some from Mexico or Guatemala who spoke indigenous languages but did not speak Spanish.

Karacaova said it's difficult to get enough attorneys who will take on these cases pro bono. She said Legal Aid even offered a CLE to train attorneys to help someone file a self-petition, used when an immigrant domestic violence victim is married to a lawful resident.



Jennifer Stuart, a project attorney with Legal Aid's Battered Immigrant Project, is passionate about her work with clients who need protection from abusers and help with their immigration status. Photo by Ann Sleeper

Legal Aid offered the CLE at a discount in exchange for taking two pro bono cases.

There were no takers. A more recent offering was more successful. Attorneys took a CLE on getting U visas for victims who are cooperating with the police, and as a result four lawyers in Mecklenburg County are taking on pro bono cases.

The biggest challenge, Stuart said, is not having enough resources.

"There are days when so many emergency situations pop up," she said. The clients also have non-legal needs, and while Stuart said she knows she can't be a social worker, "if it's sitting in front of you, it's your problem."

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