KNOW YOUR RIGHTS - as an Immigrant

If you are in a position of immediate danger and your partner is attempting to cause or causing physical harm, or you are in fear of imminent physical harm call 911.

The following is a response to questions that victims whose immigration status is insecure may have:

Can I call the police if I am being abused and do not know my immigration status?

Yes. Call 911 in case of an emergency, no matter what. Domestic violence is a crime regardless of your legal status. You have the legal right to keep your immigration status private. You do not have to tell the police, or a shelter about your immigration status.

Will Immigration Services be called if I call the police?

The police will not contact Immigration Services if you are calling to report domestic violence. You, as a victim, may have been told by your spouse that the police will not enforce laws on your behalf if you are undocumented – this is not true. You may have been told that legal protections like restraining orders are not available to you – be assured that they are.

What will happen if I call 911?

The police will come to the place from where the call was made. Most police departments respond quickly to calls of domestic violence. The first thing they do is make sure no further injury/abuse occurs. They will gather facts by talking to anyone who was a part of the incident or witnessed it. They will also look for 'physical evidence" such as bruises, torn clothing, broken dishes/furniture blood, etc. They will decide if a crime has been committed and if an arrest needs to be made. Even if you hang up the phone before giving your address, the police will still come to your address to see if you are all right.

Be Aware of Your Rights as follows:

If you are in need of medical treatment, you have the right to request that the police officer drive you to the nearest hospital or otherwise assist you in getting medical treatment.

If you think that you need police protection in order to stay physically safe, you have the right to request the officer present remain with you at the scene until you and your children can leave or until you feel safe.

You can ask the officer to assist you in finding and taking you to a safe place – a shelter, or the home of a friend/family member or anywhere else you feel safe.

You can and should request a copy of the police incident report from the department and keep it with other documents in a safe place.

You can appear at the Superior, Probate and Family, District or Municipal court where you live to file a complaint and request a restraining order.