

**Empowering Women
Combatting Economic Abuse in a Pandemic
A Talk with Amy Barasch, Executive Director of Her Justice**

- About Her Justice
 - NYC not-for-profit provides free civil legal services to women living in poverty and to address systemic barriers they may face.¹ Work in immigration, family, and matrimonial law. Train and mentor volunteer attorneys to provide civil legal services.
- Intimate partner violence
 - Intimate partner abuse is not limited to physical violence and can take many forms, including emotional, psychological, and financial. Though women are more likely to experience abuse, it can affect both women and men. It can affect women of all races and socioeconomic status. Impoverished women, however, are less likely to have access to resources that allow them to escape abuse.
 - Abuse is also about the power and control the abuser exerts.
 - As the Duluth Model's power and control wheel shows, abusers use various methods to maintain control, including intimidation, social isolation, coercion, and using children to threaten the partner. The Duluth Model or the Domestic Abuse Intervention Project is a program designed to combat domestic violence.²
 - Intimate partner violence affects the children of the relationship as well.
 - Importance of access to counsel for survivors of abuse
 - Educating survivors of abuse about the availability of resources and increasing access to counsel is an important tool.
 - Many survivors are unaware of the legal protections available or are wary of the courts in general because their abuser may have threatened them with a custody battle or other litigation.
 - Also, because the abuser is often the moneyed spouse and can more readily afford counsel than the victim of abuse, access to counsel and zealous advocacy for abuse victims in these matters is important.
- Legal tools to assist in recovering from financial abuse
 - Debt, credit and identity
 - Not uncommon for clients to have had no access or knowledge of financial situation while in the relationship.
 - Identify theft can occur in the relationship when partners take out loans or make purchases in the victim's name without their consent or knowledge. Abusers may also default on payments.

¹ Her Justice, <https://herjustice.org/>

² The Duluth Model. *What is the Duluth Model?* <http://www.theduluthmodel.org/about/index.html>

- May result in the victim holding a large sum of debt or a bad credit history. Deficient credit scores may make it more difficult for women to escape abusive relationships.
 - Attorneys may aid in providing a credit report review, debt assessment, and formulating comprehensive approaches to resolving the debt.
 - Attorneys may also assist clients or refer clients to other attorneys who can help resolve issues with debt collection agencies, particularly when they are subject to harassing debt collection techniques or default judgments without notification.
 - Divorce
 - Divorce divides assets as well as debts.
 - There is generally no right to counsel to in divorce proceedings. But competent legal representation is important to ensure survivors are not saddled with debt as a result of financial abuse.
 - Maintenance or spousal support
 - For women living in poverty escaping abusive relationships, maintenance and/or spousal support may be a significant portion of their income at the outset.
 - Many cases, particularly in New York, proceed without legal representation. However, attorneys may help in complicated cases when it's suspected that one partner is under-disclosing assets in order to lower support payments.
- Immigration
 - Obtaining work authorization is imperative for economic security.
 - VAWA Act Violence Against Women Act (VAWA) protects undocumented abused spouses of US citizens or lawful permanent residents.
 - Under VAWA's battered spouse waiver, certain spouses and parents of US citizens or spouses of lawful permanent residents may self-petition without the abuser's knowledge.³
 - This allows survivors to seek both safety and independence from their abuser without the abuser being notified about the filing.
 - U nonimmigrant status
 - Created by the Victims of Trafficking and Violence Protection Act (2000), also known as U-visa status.
 - U nonimmigrant status is available to victims of domestic violence crimes or certain other crimes, including rape, trafficking, incest, sexual assault, prostitution, murder, witness tampering among others.⁴
 - The noncitizen victim must have certification from law enforcement that she is helpful in the investigation or prosecution of one of the eligible

³ 8 U.S.C. § 1186a(c)(4)(C), <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1186a&num=0&edition=prelim>.

⁴ 8 U.S.C. § 1101(a)(15)(U), <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1101&num=0&edition=prelim>

- categories of crimes and have suffered substantial physical or mental abuse from the crime.
- A law enforcement certification requires that the applicant is helpful or likely to be helpful to authorities in the investigation or prosecution of criminal activity. Requires that the applicant cooperate fully with law enforcement in a reasonable way. The applicant must also show that they are admissible or that they otherwise qualify for a waiver of inadmissibility.
 - The U-visa provides temporary legal status and work authorization for up to 4 years. INA § 214(p)(6). After 3 years, the U-visa holder is eligible to apply for lawful permanent residence if certain requirements are met. INA § 245(m).
 - 10,000 U-visas are issued every year. In a fiscal year, once all the allotted petitions are granted, the rest are put on a waiting list. Those on the waitlist are granted deferred action, which allows the applicant to remain in the US while their case is pending and apply for work authorization.
- Advocacy for systemic changes⁵
 - VAWA reauthorization and strengthening its protections
 - Providing work authorization at the earlier possible stage of the immigration process. Currently, the process can take several years.
 - Reforming divorce and child support
 - In NY, removing W-2 wage earners' child support cases from the courts to an e-file system.
 - More access to legal representation for cases of non-W-2 wage earners.

⁵ Her Justice policy work, <https://herjustice.org/her-justice-policy-platform/>.