

Protection from Abuse Orders (PFA): A Guide for Immigrant Victims of Crime

SHARED SAFETY PHILADELPHIA

What is a Protection From Abuse Order (PFA)?

A PFA is a document signed by a judge that can set limits on the contact that the abusive person can have with you which may include:

- Evicting the abuser from your household.
- Making it illegal for the abuser to go to your home, school, or job.
- Making it illegal for the abuser to contact you directly or through other people.
- Prohibiting the abuser from harming you.
- Putting a temporary custody order in place for your children.

A PFA is a document filed in civil court, meaning it is a case where one person files against another person. Each person may hire an attorney, but it is not required. However, violating a PFA Order is a crime. Violating means not following the rules. If the abuser violates the order, the abuser could be arrested and charged with contempt and other crimes which would result in a criminal case.

You can seek help regardless of immigration status

Are PFA orders available to immigrant victims?

PFA Orders are available to all victims of domestic violence, sexual assault and stalking regardless of immigration status who meet the below criteria:

Who is eligible for a PFA Order?

- Current or former spouses
- Current or former sexual or intimate partners, including same-sex partners, such as a boyfriend/girlfriend or the father/mother of your children
- Parent
- Child
- Others related by blood or marriage.

What is abuse?

As defined by law, abuse is:

- Attempting or causing physical injury
- Placing another in fear of imminent, serious bodily injury
- Sexual assault
- False imprisonment. This is when a person knowingly restrains another unlawfully in order to interfere with that person's freedom.
- Stalking



You may be experiencing other types of abuse. If you have questions, please speak with a domestic violence legal aid office to get more information.

Do I need an I.D. Or social security number to file a petition for a PFA order?

No. You do not need to have an identification card or a social security number to file a petition for a PFA Order. If you are undocumented, you can file for a PFA Order.

Will obtaining a PFA affect my immigration status?

Obtaining a PFA Order does not have immigration consequences for you, but if the abuser is not a citizen and is arrested for violating the PFA Order, s/he may face immigration consequences.



What happens after you file for a PFA order?

- After you file, a judge will review and decide whether to issue a temporary order.
- The court will give you a notice to appear for a hearing. The hearing date will be within 10 days of filing. The hearing is to determine whether to grant a final PFA Order for up to 36 months (3 years) or not. However, most cases require more than one hearing to get resolved.
- The Petition, Temporary Order and the Notice to Appear must be served (provide a copy of the PFA and hearing notice) on the defendant. The police typically help serve these documents on the defendant. They are not allowed to ask you about your immigration status.
- You must go to court even if the abuser has not been served. You can ask for more time for service.

Are advocates available to help in court?

There are often attorneys from Women Against Abuse in the PFA courtrooms at Philadelphia Family Court who can give information and assistance, but they may not always be available. You may be able to reach an advocate by phone or request a new court date from the judge for more time to prepare your case and consult with an advocate or attorney. You can also ask if someone from Women Against Abuse is available to speak with you. Advocates are not available at the Emergency Filing Unit.

How do I request an interpreter in court?

You have the right to obtain services at court in the language you are most comfortable speaking. When filing for a PFA, tell the staff at court that you need an interpreter. You will also be able to request an interpreter for your future court date.

Will I be deported if court staff finds out that I am undocumented?

Family and Criminal court staff are not supposed to report your immigration status. However, if the police become involved with your case (because, for example, the abuser violated the PFA), and your abuser is arrested, her/his immigration status may be affected. Contact an attorney to get additional information.

Possible immigration options for immigrant victims of crime:

If you are an immigrant and a victim of domestic violence, sexual assault or stalking, there may be immigration relief available to you because of your victimization. Talk to an immigration attorney to see if you qualify for immigration relief that could help you gain lawful status in the U.S. Immigration relief could be U-Visas, VAWA Self-Petitions, T-Visas, Asylum and others.

WHERE TO FILE FOR A PFA

FAMILY COURT

1501 Arch Street,
Domestic Violence Intake Unit
8th Floor
Philadelphia, PA
215-686-3512

Hours are 8 a.m. to 5 p.m. However, victims filing for a PFA should arrive as close to 8:00 a.m. as possible. Filers are routinely told to come back the next day due to capacity issues as early as 10 a.m.

CRIMINAL JUSTICE CENTER

1301 Filbert Street, Room B-03
Philadelphia, PA

Hours: Open for emergency requests from 5 p.m. to 8 a.m. on weekdays, and 24 hours on weekends, holidays and whenever Family Court is closed.





DOMESTIC VIOLENCE LEGAL ASSISTANCE

WOMEN AGAINST ABUSE LEGAL CENTER

215-686-7082, Monday - Friday, 9am - 5pm

Free legal advocacy and representation for survivors of domestic violence in PFA, child custody, spousal or child support, court accompaniment, and legal options counseling.

PHILADELPHIA LEGAL ASSISTANCE

215-981-3838, Monday - Thursday 9:30am - 12pm.

Free legal advocacy and representation in PFA, child custody, and spousal or child support.

PHILADELPHIA BAR ASSOCIATION LAWYER REFERRAL AND INFORMATION SERVICE

215-238-6333, Monday - Friday 9am- 5pm or iris.philadelphiabar.org at any time.

Referrals to attorneys to privately hire. Consultations with attorneys are **not free**.

ADDITIONAL RESOURCES

These agencies can help you learn about your rights and help connect you with resources.

Domestic Violence Services

PHILADELPHIA DV HOTLINE

Free and confidential, has interpretation and available 24/7/365
866-723-3014

CONGRESO DE LATINOS UNIDOS

215-763-8870 ext. 1300

LUTHERAN SETTLEMENT HOUSE

215-426-8610 ext. 1236

WOMEN AGAINST ABUSE. INC.

215-686-7082

WOMEN IN TRANSITION

215-751-1111

Sexual Assault Services

WOAR PHILADELPHIA CENTER AGAINST SEXUAL VIOLENCE

215-985-3333

Anti-Human Trafficking

NATIONALITIES SERVICE CENTER

215-893-8400

THE SALVATION ARMY NEW DAY TO STOP TRAFFICKING PROGRAM

267-838-5866

Immigration Legal Assistance

HIAS PENNSYLVANIA

215-832-0900

NATIONALITIES SERVICE CENTER

215-893-8400

Community Based Organizations

AFRICAN FAMILY HEALTH ORGANIZATION (AFAHO)

215-546-1232

SOUTHEAST ASIAN MUTUAL ASSISTANCE ASSOCIATION COALITION (SEAMAAC)

215-467-0690

JUNTOS

215-218-9079