VIOLENCE AGAINST WOMEN (VAWA) SELF-PETITION

What is a VAWA Self-Petition?

Some immigrants may be afraid to report acts of domestic violence to the police or seek help from others because of their immigration status. This fear unfairly causes many immigrants to remain in abusive relationships. VAWA (Violence Against Women Act) is a federal law created to protect victims of abuse who are not citizens of the United States. It allows victims of domestic violence, and in some cases, child abuse, to petition for themselves in order to obtain lawful immigration status.

Am I eligible for a VAWA Self-Petition?

1. You have been abused by:
   • your spouse, who is a U.S. citizen or a legal permanent resident (green card holder) and you had a “good faith” (real) marriage
   • your parent or step-parent, who is a U.S. citizen or a legal permanent resident (green card holder) and you are unmarried and under the age of 21 OR
   • your adult son or daughter, who is over 21 years of age and a U.S. citizen.

2. You have been a victim of physical abuse, sexual abuse, emotional, or psychological abuse during the marriage or relationship. You may not know that you are being abused.

3. You must have lived with your abuser at some point either inside or outside of the U.S.

4. You must be:
   • living in the U.S. at the time you file the VAWA petition OR
   • the abuser is an employee of the U.S. government/armed forces.

5. You must have good moral character.

What are the benefits of being granted VAWA?

You may be able to obtain lawful status on your own. This means you do not have to rely on your abusive spouse, parent, or adult child to help you with the petition process. Depending on each case, once your self-petition is approved, you may be able to obtain work authorization, apply for public benefits, and attain legal permanent residency status.

What will help me learn more about or apply for immigration relief?

If you qualify for any of these types of immigration relief, an immigration attorney can help you understand your rights and apply for the proper immigration relief. The main goal of law enforcement and the police is to keep you safe from harm and violence—they are not immigration attorneys and will not prepare your case. If you are in an emergency situation and you believe yourself to be a victim of crime, call 911.

Are there types of immigration relief to help immigrants who have been a victim of crime in the United States obtain legal status?

YES. As explained in this brochure, if you have suffered as a victim of crime in the United States or have been subjected to domestic violence, you may be eligible for immigration relief to help you with your status, such as VAWA, I-751 waiver, U Visa, and T Visa.

Who will help me learn more about or apply for immigration relief?

You may be able to obtain lawful status on your own. This means that you do not have to rely on your abusive spouse, parent, or adult child to help you with the petition process. Depending on each case, once your self-petition is approved, you may be able to obtain work authorization, apply for public benefits, and attain legal permanent residency status.

IMMIGRATION OPTIONS FOR VICTIMS OF CRIMES

Residency Options

1. You may be able to obtain lawful status through a relative who is already in the United States.

2. You may be able to obtain lawful status through a relative who was naturalized.

3. You may be able to obtain lawful status through a relative who is a legal permanent resident (green card holder) and you are their child.

4. You may be able to obtain lawful status on your own. This means you do not have to rely on your abusive spouse, parent, or adult child to help you with the petition process. Depending on each case, once your self-petition is approved, you may be able to obtain work authorization, apply for public benefits, and attain legal permanent residency status.

5. You may be able to obtain lawful status directly through VAWA, you must have good moral character, have lived with your abuser at some point either inside or outside the U.S., and be a victim of physical abuse, sexual abuse, emotional, or psychological abuse during the marriage or relationship. You may not know that you are being abused.

6. You must have good moral character.

7. You must have lived with your abuser at some point either inside or outside of the U.S.

8. You must be:
   • living in the U.S. at the time you file the VAWA petition OR
   • the abuser is an employee of the U.S. government/armed forces.

9. You must have good moral character.

What are the benefits of being granted VAWA?

You may be able to obtain lawful status on your own. This means that you do not have to rely on your abusive spouse, parent, or adult child to help you with the petition process. Depending on each case, once your self-petition is approved, you may be able to obtain work authorization, apply for public benefits, and attain legal permanent residency status.

RESOURCES

Immigrant Legal Services:
Asian Law Caucus
55 Columbia Avenue, San Francisco, CA 94111
415.896.1701
Asian Pacific Islander Legal Outreach
1121 Mission Street, San Francisco, CA 94103
415.567.9253
Central American Resource Center
3101 Mission Street, San Francisco, CA 94110
415.442.6600
Dolores Street Community Services
938 Valencia Street, San Francisco, CA 94110
415.282.8209
La Raza Centro Legal
476 Valencia Street, #295, San Francisco, CA 94103
415.575.3000
La Raza Community Resource Center
476 Valencia Street, #100, San Francisco, CA 94103
415.863.0764
For more information and government forms, please visit: www.uscis.gov

Domestic Violence Crisis Lines:
Asian Women’s Shelter: 877.751.0880
Brenton House and the Ruby Center: 415.255.0163

Provided by San Francisco Immigrant Legal & Education Network

Everyone has the right to protection against violence, regardless of immigration status in the United States.

In the United States, your human rights should be respected, regardless of your immigration status. Your immigration status should not be a source of power and control for someone else to abuse, threaten, exploit, or injure you. You have the right to be safe and free from violence and exploitation, and the United States federal government has created laws especially designed for immigrants to protect their rights.

If you are in an emergency situation and you believe yourself to be a victim of crime, call 911.

Are there types of immigration relief to help immigrants who have been a victim of crime in the United States obtain legal status?

YES. As explained in this brochure, if you have suffered as a victim of crime in the United States or have been subjected to domestic violence, you may be eligible for immigration relief to help you with your status, such as VAWA, I-751 waiver, U Visa, and T Visa.

Who will help me learn more about or apply for immigration relief?

If you qualify for any of these types of immigration relief, an immigration attorney can help you understand your rights and apply for the proper immigration relief. The main goal of law enforcement and the police is to keep you safe from harm and violence—they are not immigration attorneys and will not prepare these applications for you.

This NOT legal advice. This brochure is intended to provide general information only. Each person’s individual case is different and you should consult an attorney. Be careful about blind dates, pick-up lines, and taking your money. You may not know that you are being abused.
REMOVAL OF CONDITIONS OR JOINT FILING WAIVERS (I-751)

What is an I-751 waiver?
If you have a two-year conditional green card, your spouse needs to submit a joint petition with you to remove the condition. This joint petition is typically filed at the end of the second year, and if it is not filed on time, you will be placed into removal (deportation) proceedings. However, you may be able to petition to remove the condition without your spouse if you have been abused by your spouse, your spouse has died, or you and your spouse have divorced. The process for these situations is called a waiver of the joint petition requirement, or an I-751 waiver. The I-751 waiver is also designed to protect immigrants who may otherwise stay in an abusive relationship with a spouse.

Am I eligible for an I-751 waiver?
You may be eligible for a battered spouse or child waiver, if you meet all of the requirements below:
1. You have conditional legal permanent residence because you are:
   • a spouse of a U.S. citizen (USC) or legal permanent resident (LPR) OR
   • a child, and your parents have been married for less than two years when you received your green card;
2. The marriage that is the basis for conditional residence was a good faith (real) marriage; and
3. During the marriage you were physically abused or subjected to extreme cruelty by your spouse or parent who is also a U.S. citizen or a legal permanent resident.

What are the benefits of an I-751 waiver?
You may be able to obtain a 10-year green card without having to rely on your spouse to help you gain lawful permanent status. If you are granted the I-751 joint filing waiver based on abuse, you may still apply for citizenship after three years of having legal permanent status (otherwise, the requirement is 5 years).

U VISAS

What is a U Visa?
Everyone in the United States, regardless of immigration status, has the right to feel safe and call 911 for help. U Visas were created by federal law to: 1) protect immigrant victims of human trafficking and forced labor and 2) assist law enforcement in the investigation and prosecution of criminal activity.

The U Visa is for victims of specific crimes who cooperate in the investigation or prosecution of those crimes. It provides lawful status to an undocumented immigrant who assists law enforcement authorities in investigating crimes.

Am I eligible for a U Visa?
You may qualify for a U Visa if you are a victim of any of the following crimes that occurred in the United States or violated a law of the United States:
- Abduction
- Abusive Sexual Contact
- Blackmail
- Domestic Violence
- Extortion
- Female Genital Mutilation
- Hostage Taking
- Human Trafficking
- Incest
- Involuntary Servitude
- Kidnapping
- Manslaughter
- Murder
- Obliteration of Justice
- Perversion
- Piracy
- Prostitution
- Rape
- Sexual Assault
- Sexual Exploitation
- Slave Trade
- Torture
- Unlawful Criminal帮助企业
- Witness Tampering

You may not understand these crimes and what they mean. Consult an immigration attorney.

What are the benefits of having a U Visa?
If you have U Visa status, you can live and work lawfully in the U.S. for four years. You also have the possibility of applying for lawful permanent residency (green card). You can potentially include certain family members in your application for the U Visa, even if they are currently residing outside of the United States.

T VISAS

What is a T Visa?
No one should be forced to work. T Visas were created by federal law to: 1) protect immigrant victims of human trafficking and forced labor and 2) assist law enforcement in the investigation and prosecution of criminal activity. Human traffickers prey on many types of people who are attempting to seek good jobs and better lives and are forced to work under brutal and inhumane conditions.

Am I eligible for a T Visa?
Human trafficking is very complex and can be difficult to understand. You may be eligible for a T Visa if you were subjected to harsh working conditions, threatened with consequences due to your immigration status, or retaliation against your family, forced to work to pay off a debt, subjected to a never-ending debt, or not allowed to come free from your work or home as you choose.

Not everyone who is exploited for their labor may qualify for a T Visa or as a victim of human trafficking, but you may still be eligible to assist your rights under U.S. employment and labor law.

What are the benefits of having a T Visa?
If you have T Visa status, you can come and go freely from your work or home as you choose. It is better to avoid traveling outside of the U.S. after you have applied for any of these forms of immigration relief. Traveling outside of the U.S., even for one day to Mexico or Canada, may terminate your ability to receive or hold any of these forms of immigration relief. However, if you need to travel, you should consult with an immigration attorney (not a notario) prior to leaving the U.S. to ensure that you will not suffer any negative consequences.