

VAWA VIOLENCE AGAINST WOMEN ACT

WHAT IS VAWA?

The Violence Against Women Act was enacted in 1994 to help immigrant victims of domestic violence lawfully remain in the United States. Everyday, victims are unable to flee their abusive homes for fear that their abusers, either U.S. citizens or lawful permanent residents, would retaliate by not petitioning them for their green cards. VAWA allows those victims to independently file for lawful status without having to rely on their abusers for sponsorship. VAWA applies to both male and female victims.

If you file a VAWA petition, you may become eligible for permanent residency, protection from deportation proceedings, public benefits and work authorization. For your safety, the VAWA process is kept confidential from the abuser.

It is important to discuss the process with an attorney, especially if you have any previous criminal history or immigration violations.

This is NOT legal advice.

Every petition is unique to each person's circumstances.

Attorneys are available to make sure your petition reflects
YOUR life and
YOUR situation.



Your immigration status should NOT be a source of power or control. For domestic abusers, it no longer is.

ARE YOU ELIGIBLE?

REGARDLESS of your immigration status, you may be eligible for VAWA if you are:

- An abused spouse of a U.S. citizen or lawful permanent resident
- An abused child of a U.S. citizen or lawful permanent resident (A child is unmarried and under 21 years of age.)
- A non-abused spouse of a U.S. citizen or lawful permanent resident whose child is abused by the U.S. citizen or lawful permanent resident
- An abused parent of a U.S. citizen son or daughter (The son or daughter must be 21 years of age or older.)

Additional requirements:

- The abuser is a U.S. citizen or a lawful permanent resident.
- Your spouse abused you *during the marriage* or your parent, son or daughter abused you *at any time*.
- You were subjected to battery or extreme cruelty:
 - Threats of bodily harm
 - Actual bodily harm (hit, punch, slap, kick)
 - Rape
 - Emotional abuse
 - Threats of deportation
 - Threats to harm your children, etc.
- You lived with the abuser *at some point*.
- You must be currently living in the U.S. *unless* the abuser is an employee of the U.S. government or uniformed services or the abuse occurred in the U.S.
- If you were abused by your spouse, then you must have entered the marriage in "good faith."
- You have good moral character.

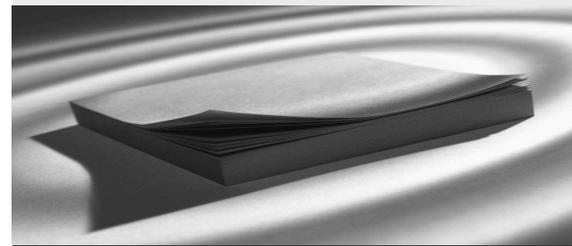
If you have any questions, be sure to consult with an immigration attorney.

HOW DO YOU APPLY?

This is a general overview of the VAWA application process:

1. Gather documents that are required by VAWA and as advised by an attorney. (There is a partial list of documents on the back of this brochure.)
2. Submit form I-360 with documents supporting your eligibility for VAWA to United States Citizenship and Immigration Services (USCIS) through the Vermont Service Center (VSC).
3. Submit a filing fee or request a fee waiver if you are unable to pay.
4. Receive a receipt notice from USCIS and if the petition is approved, receive a letter declaring that you meet the basic VAWA eligibility requirements.
5. If the petition is approved, VSC will send a final Approval Notice (Form I-797) most likely with a notice deferring deportation.
6. After receiving the Approval Notice, you may take steps for an adjustment of status to obtain your green card. Speak to an attorney for details regarding specific eligibility requirements.

Note: Petition processing times will vary.



You do not have to do this alone. Attorneys and advocates are here to help you the whole way.

WHAT DO YOU NEED TO GET STARTED?

Here are some documents you should prepare for the VAWA process. Keep all documents in a safe place where the abuser will not find them, and make copies if possible. This is not a complete list so be sure to ask an attorney what else you will need.

- ◇ **Marriage certificate**
- ◇ **Death certificate or divorce decree if applicable**
- ◇ **Birth certificate (if the abuser is a child or a parent)**
- ◇ **Proof that the abuser is a U.S. citizen or lawful permanent resident:**
 - U.S. birth certificate/passport
 - Certificate of naturalization
 - I-130 petition approval notice
 - Green card
- ◇ **Proof that you lived with the abuser:**
 - Joint lease
 - Utility bills
 - Medical records
 - Property deeds
 - Tax returns
 - Statements from a landlord or a neighbor
- ◇ **Proof that you entered the marriage in good faith:**
 - Affidavits from relatives or friends
 - Wedding or family photos
 - Birth certificates of children born during the marriage
 - Income tax returns
 - Joint lease, deeds, or bank accounts
- ◇ **Proof that you were abused:**
 - Personal statement
 - Affidavits from people who saw the abuse
 - Protective order
 - Police reports
 - Photos of the injuries caused by the abuser
 - Criminal court records
 - Medical records
- ◇ **Proof of your good moral character:**
 - Personal statement/affidavit
 - Clear criminal record
 - Records of your community service

HOW WE CAN HELP

Here are some ways an attorney can help:

- Assist you in gathering the necessary documents for VAWA eligibility.
- Act as your liaison so all mail from USCIS will come to the attorney instead of your home. This reduces the risk of the abuser finding out about the VAWA petition.
- Explain the VAWA process as it pertains to your specific circumstances.
- Fill out and file the appropriate immigration forms.
- Guide you and advise you on appropriate measures throughout the process
- Connect you with domestic violence and immigrant advocacy agencies that can provide non-legal assistance with achieving independence from the abuser.

For legal assistance, call:
**Asian Pacific American
Legal Resource Center**

(202) 393-3572

English: Ext. 22

Chinese: Ext. 18

Hindi/Urdu: Ext. 19

Vietnamese: Ext. 20

Korean: Ext. 21

Providing services in:
Maryland
District of Columbia
Northern Virginia

Produced with support from the Pro Bono Resource Center of Maryland and the Administrative Office of the Courts.

**ASIAN PACIFIC AMERICAN
LEGAL RESOURCE CENTER**

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