

Fact Sheet: VAWA SELF-PETITIONS

WHAT IS A VAWA SELF-PETITION?

The VAWA self-petition provisions, created by Congress in 1994 and amended in 2000 and 2005, are incorporated into the Immigration and Nationality Act at INA § 204(a)(1), 8 USC § 1154(a)(1). Through a VAWA self-petition, noncitizen spouses and children who are victims of domestic violence may apply for lawful immigration status without having to depend on their abusive spouse or parent to sponsor them. The purpose of the VAWA self-petition is to take away the abuser's control over the immigration process, so that the abused spouse or child may seek protection from law enforcement and courts without fear of deportation.

WHO QUALIFIES TO FILE A VAWA SELF-PETITION?

- ◆ Abused spouses and children of U.S. citizens
- ◆ Abused spouses and children of lawful permanent residents
- ◆ A parent whose child is abused by their U.S. citizen or lawful permanent resident spouse
- ◆ Parents abused by their adult (age 21 or over) USC sons or daughters.

* Self-petitioners may include their unmarried children (under age 21) in their applications.*

WHAT ARE THE REQUIREMENTS?

- ◆ Legal marriage or parent/child relationship with an abusive U.S. citizen or lawful permanent resident
- ◆ Evidence of abuse, defined as “battering or extreme cruelty”
- ◆ Abuse occurred during the marriage or during the parent/child relationship
- ◆ Residence with the abuser at some time
- ◆ For abused spouses, the abused spouse married in good faith
- ◆ Good moral character (no serious criminal convictions or immigration violations)

HOW DO YOU APPLY FOR A VAWA SELF-PETITION?

Self-petitions must be filed on Form I-360. There is no filing fee. Children (under age 21) included on their parents' petitions do not have to file a separate application form.

WHAT ARE THE BENEFITS OF AN APPROVED SELF-PETITION?

- ◆ Permission to work in the U.S., renewable annually
- ◆ Deferred action status (limited protection from deportation)
- ◆ Ability to apply for lawful permanent residence (get a “green card”)

Consult an immigration attorney familiar with VAWA before filing a VAWA self-petition

Southern Arizona Legal Aid 2343 E. Broadway Blvd., Suite 200, Tucson, AZ 85719

Telephone Intake (520) 623-9461 or Walk in 9-11 AM and 1-4 PM M-F

Advocates and Service providers only call Valerie Hink 623-9465 x 4124 or Mary Day x 4129

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