

VIOLENCE AGAINST WOMEN ACT

What is a VAWA?

The Violence Against Women Act (VAWA) allows abused spouses, children of U.S. Citizens, or Lawful Permanent Residents and abused parents of U.S. citizen sons or daughters to apply for immigration relief separate from the abusive family member. An individual who is eligible for VAWA can "self-petition". An individual who is approved for VAWA: receives protection from deportation, can work lawfully and becomes eligible to apply for a green card.

How do I Qualify?

If you are applying as a spouse, you must be legally married and your marriage must have been bona fide. You might still be eligible to apply for VAWA even if you are now divorced so long as you apply for VAWA within two years of your divorce. You must be a person of good moral character for the past three years prior to filing the self petition

Extreme Cruelty or Abuse:

- o Threatening to beat or terrorize you; emotionally abusing you, forcing you to engage in sexual activities; threatening to deport you, controlling where you go, what you can do, and who you can see
- o Acts aimed at another person for the deliberate purpose of causing extreme cruelty absent the petitioner
- o Acts by a third party which abusive spouse condemned, encouraged, or participated in
- o If the abusive husband was present and did not stop anyone who was causing harm to the petitioner

I-360 Application:

- o Evidence of the abuser's U.S citizenship or lawful permanent status
- o Evidence of legal relationship to abuser
- o Evidence you resided with the abuser, such as utility bills
- o Employment records, utility receipts, school records, etc.
- o Evidence of the abuse such as affidavits from police, friends/family,
- o Affidavit of good moral character
- o An affidavit of good moral character is a sworn declaration that you (the petitioner) are a moral and upright person.
- o *If you don't feel safe receiving correspondence on this petition at your home address prove a safe mailing address in Part 1, item 7.*

Waivers:

Good Moral Character:

- o For the purpose of determine if the petitioner is admissible into the United States, certain bars to moral character requirements can be waived.
- o Actions or convictions are also waivable Fee Waivers
- o •Fee waivers can have long processing times if it was connected to the abuse suffered by the applicant
- o In order to apply for a good moral character waiver, you must simply state that the waiver exists.

Interview Waivers

- o It's possible to get a VAWA adjustment without an interview
- o This happens when you get a notice asking to mail medical exams to a USCIS district office

Fee Waivers

- o Fee waivers can have long processing times

Exemptions:

- Married while in removal proceeding to abuser spouse
- If "clear and convincing" evidence that marriage is valid (bona-fide marriages include mixed motives)
- •Petitioner must request exemption in writing

