

VAWA

Immigration Relief for
Victims of Domestic Violence

LEGAL AID CENTER ^{Since 1958}

 *of Southern Nevada*



Who is eligible for VAWA?

- Abused spouse or child of a U.S. citizen or lawful permanent resident;
- Spouse of U.S. citizen or lawful permanent residents who are not abused, but whose children are;
- Abused children of U.S. citizens or lawful permanent residents
 - Abused children of U.S. citizens may self-petition up to the age of 25 if the primary reason for the delay in filing was abuse by the U.S. citizen parent.

****Your abuser will not be notified that you are applying for VAWA****



An abused spouse is still eligible to self-petition within two years after:

- The death of her or his **U.S. citizen abuser** (not of lawful permanent resident)
- Divorce (divorce after filing the VAWA petition does not negatively impact the outcome of the case)
- Deportation of the abuser but only where there is a connection between the deportation and the domestic violence

Requirements

Proof of:

- **Abuser's legal status**
- **Good-faith marriage**
- **Battery or extreme cruelty**
- **Joint residence**
- **Good moral character**

Petitioner has the burden of proving the Abuser's Status

- U.S. Birth Certificate
- U.S. Passport
- Naturalization Certificate
- Legal Permanent Card- “Green Card”
- Marriage License Application showing the person was born in the U.S.
- Alien number
- Any other document that states the abuser’s legal status

Good-faith marriage

- Wedding or honeymoon photographs
- Birth certificates of children
- Marriage license
- Joint tax returns, insurance policies or bank accounts
- Cards, letters from abuser
- Letters or affidavits from friends or relatives with personal knowledge of the relationship
- Divorce decree

Battery or extreme cruelty

- Orders of protection
- Police reports
- Criminal court records, including complaints or arrest records
- Medical records
- Photographs of bruises, scars, or other injuries
- Statements from shelter workers and domestic violence advocates
- Letters from friends, family, or witnesses to the abuse
- One of the most important document is the Victim's Personal Declaration

Victim's Personal Declaration

- The declaration is usually one of the first documents that adjudicators turn to when evaluating the petition.
- This document is written in the petitioner's own words:
 - Describes her/his story in detail,
 - Details the relationship from beginning to present, focusing on when the domestic violence began
 - Describes the incident as documented on a police report or other official document,
 - Describes contact with domestic violence programs or authorities,
- Often, due to the dynamics of the abusive relationship, the petitioner may be unable to obtain all documents necessary to support each of the requirements. In that case, the declaration serves to fill in for some of the missing documentation, providing an explanation as to efforts made to obtain it, why the efforts were not successful, and why the applicant believes she satisfied the requirements for a particular element.
- Statement should be signed and dated by petitioner.

Joint residence

- Apartment lease including both names
- Joint bank account statements
- Joint tax returns
- Joint insurance policies
- Letters addressed to both self-petitioner and abuser
- Letter or affidavit from landlord
- School, medical, dental records
- Any other document that has both names

Good moral character

- Nevada State Police Clearance
- Criminal background check were the petitioner has resided for 6 or more months during the 3-year period immediately preceding the filing of the petition.

VAWA Child Self-Petitioners

- Abused children of U.S. citizens or lawful permanent residents may also apply under VAWA. A self-petitioning child must show:
- A parent-child relationship with the U.S. citizen or lawful permanent resident parent
- Battery or extreme cruelty
- Joint residence with abuser
- Good moral character
- He or she is unmarried, under 21, and otherwise qualifies as a "child" under immigration law
- The parent-child relationship must exist at the time the self-petition is filed

VAWA -Petition

- I-360 Petition for Amerasian, Widow(er), or Special Immigrant
- Relevant evidence of eligibility
- There is **NO** Cost for this petition
- Must be mailed to: Vermont Service Center

Responses from USCIS

- **Initial processing:**
 - Approximately 2 weeks after the VAWA petition is received , USCIS will send the petitioner a Receipt Notice.
 - Once Form I-360 is filed and checked for completeness, including submission of the required initial evidence. If the petition appears on its face to satisfy all of the eligibility requirements, the petitioner will receive a notice of "Establishment of *Prima Facie*". **This is not an approval .**
 - If the adjudicator requires additional information, the petitioner will receive a "Request for Evidence" which she /he must respond to with the required information by the specified deadline in order to ensure that her /his petition will not be deemed to be abandoned.

Responses from USCIS

- The Vermont Service Center is taking approximately fourteen months to adjudicate VAWA petitions.
 - **Decision:**
 - If **APPROVED**, the petitioner will receive an Approval Notice. Also, the petitioner receives what is referred to as "Deferred Action" status for 15 months, renewable thereafter in 12-month increments. This means is that she/he is low in priority for removal from the U.S.
 - * She/he has a legal basis to apply and receive an employment authorization document, or work permit.
 - * The petitioner can use the work authorization card to obtain a valid Social Security number and Driver's License for a year.
- 1) If the petitioner is married to a U.S. citizen, an I-485 application can be filed concurrently. The I-485 will be transferred to a local district office for adjudication and subsequent interview for a green card.
- OR
- 2) If the petitioner is married to a Legal Permanent Resident, the petitioner will have to wait for a visa to be able to apply for the I-485. This process might take years depending on the petitioner's country of origin.

Responses from USCIS

- **Decision:**

If the petition is denied, the petitioner will receive a Notice of Intent to Deny followed by a Denial. In that case, the petitioner may file a request for reconsideration with the Vermont Service Center. If that request is denied, the self-petitioner may appeal with the Administrative Appeals Office.

My Case Status

<https://egov.uscis.gov/cris/Dashboard.do>



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- Check Processing Times
- Change Of Address Online
- e-Request
- Office Locator

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Your Current Case Status

Enter your receipt
number

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To view the status of a case, please enter the corresponding application receipt number. The 13-character application receipt number can be found on application notices you have received from the USCIS. It begins with three letters such as (EAC, WAC, LIN, or SRC). Dashes ("-") should be omitted when entering a receipt number. However, all other characters, including asterisks ("*"), can be included if listed on your notice as part of the receipt number.

Listed above are the possible steps an application or petition may go through during processing. Not every application or petition will spend time in each of these steps. Once you enter your receipt number you will see the

Questions?

For more information about the U Visa visit:

- Asista: <http://www.asistahelp.org>
- U.S. Citizenship and Immigration Services:
<http://www.uscis.gov/portal/site/uscis>

Please visit our website for more information about our services:
<http://www.lacsn.org>.

Or contact us with any questions:

Arlene Rivera: arivera@lacsn.org

(702) 386-1070 extension 109