



WHO IS ELIGIBLE FOR VAWA?

A brief overview of eligibility and immigration benefits connected to the Violence Against Women Act (VAWA)

DECEMBER 2022

WHAT IS VAWA?

The Violence Against Women Act (VAWA) allows abused spouses, children of U.S. Citizens or Lawful Permanent Residents (also referred to as green card holders), 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”. VAWA is available to both men and women.

WHAT BENEFITS DOES VAWA PROVIDE?

An individual who is approved for VAWA:

- receives protection from deportation
- can work lawfully
- becomes eligible to apply for a green card
- can include certain family members in your VAWA petition

WHO IS ELIGIBLE TO APPLY FOR VAWA?

You may be eligible to apply for VAWA if you:

- are married to that U.S. Citizen or Lawful Permanent Resident
- are the child of a U.S. Citizen or Lawful Permanent Resident

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- ▶ are the parent of a child who was abused by their U.S. Citizen or Lawful Permanent Resident parent
- ▶ are a parent of a U.S. Citizen son or daughter

AND you were abused by them.

WHAT DO I HAVE TO SHOW TO APPLY FOR VAWA?

There are several requirements that need to be met and proven when applying for VAWA. You will need to demonstrate that you:

- 1.** are the spouse or child of a U.S. Citizen or Lawful Permanent Resident or the parent of a U.S. Citizen adult son or daughter,

***Note:** If the family member who abused you loses status, you might still be able to apply so long as you seek VAWA within two years of the person losing status.*

- 2.** were abused by the U.S. Citizen or Lawful Permanent Resident family member,

***Note:** Immigration states the person suffered from “battery or extreme cruelty”—while this can include a lot of different things, some examples of this include:*

- a.** Threatening to beat or terrorize you
- b.** Emotionally abusing you, such as insulting you at home or in public
- c.** Forcing you to engage in sexual activities
- d.** Threatening to deport you or turn you over to immigration authorities
- e.** Controlling where you go, what you can do, and who you can see

- 3.** lived with the abuser at some time,

***Note:** There is no requirement to still live with them in order to apply or to show that you lived with them for a certain amount of time.*

- 4.** with some exceptions, are currently living in the United States,



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- 5. are legally married and that your marriage was entered into for more than just to obtain immigration status (if you are applying as the spouse),

Note: 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.

AND

- 6. are a person of good moral character.

WHAT CAN I DO IF I THINK I AM ELIGIBLE FOR VAWA?

You should speak to an immigration attorney or an accredited representative to get a full consultation before you move forward with any immigration application. An immigration attorney or accredited representative will be able to review your facts and see if you are eligible for VAWA.

To find a trusted legal services provider and get screened for VAWA or other forms of immigration relief, visit the Immigration Advocates Network’s National Immigration Legal Services Directory at <https://ilrc.me/findhelp>.

Are you a California Community College (CCC) or a California State University (CSU) student? If so, you qualify for FREE immigration legal services!		Discover more community explainers, toolkits, & alerts about immigration law.	
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