

What is the VAWA Self-Petition?

The VAWA Self-Petition is a form of immigration relief available for people who have been survivors of domestic violence perpetrated by their US citizen or Lawful Permanent Resident spouses, parents, or adult children.

There are two parts to the VAWA Self-Petition. The first part (Form I-360) requires that an applicant show that they are or were the spouse, parent, or child of a U.S. citizen or Lawful Permanent Resident who committed domestic violence against them. If approved, the applicant will receive employment authorization and deferred action status—which is an administrative and temporary status that makes you a low priority for enforcement by immigration officials. The second part is adjustment of status to become a Lawful Permanent Resident. Applicants must demonstrate that they are eligible in order to receive a green card.

What are the requirements?

- You must have a qualifying relationship to a U.S. citizen or Lawful Permanent Resident:
 - as a current or former spouse of an abusive U.S. citizen or Lawful Permanent Resident; ***Please note that if you are divorced from your abuser you have 2 years from the date the divorce was finalized to file this petition. If your abuser was deported or lost their status, you have a 2-year deadline to file this petition from the date they lost their status. If your spouse was a U.S. citizen and has died, you have a 2-year deadline to file this petition from the date of their death. **You will no longer be eligible if you miss this 2-year deadline.** ***
 - *You may be able to include unmarried children under the age of 21 years old in your application as a derivative. Certain exceptions apply so it is best to consult with an immigration attorney before applying.*
 - as a parent of an adult (over 21 years old) abusive U.S. citizen or Lawful Permanent Resident;
 - as a child (under 21 years old) of an abusive U.S. citizen or Lawful Permanent Resident parent. ***If you are over 21 but under 25 and can demonstrate that the abuse by a U.S. citizen or Lawful Permanent Resident Parent is a reason for not filing your petition, you may still qualify. ***
- If you are applying based on your marriage, you must demonstrate that you entered your marriage in “good faith”—that is, that you married for reasons other than to obtain immigration status in the United States. You can demonstrate this by providing evidence from throughout the duration of your relationship, such as photos, birth certificates of children in common, joint bills, joint bank accounts, etc.
- You must have lived jointly with the abusive U.S. citizen or Lawful Permanent Resident spouse, parent, or adult child. There is no specific amount of time required for this joint residence. Joint residence can be demonstrated with joint leases or mortgage statements, any mail or bills showing the joint address and both names, and letters or affidavits.
- You must demonstrate that the U.S. citizen or Lawful Permanent Resident spouse, parent, or child was physically, emotionally, sexually, financially, and/or verbally, abusive or controlling. It is not a requirement that the abuse be reported to the police or other investigative agency. Abuse can be demonstrated with police reports, court documents, photos, letters from witnesses, a personal declaration, and letters from domestic violence advocates.
- Having been arrested, charged, or convicted of any crime or having any immigration violations such as multiple entries to the country without permission or prior deportations may impact your eligibility.

Please note that any arrests, charges, or convictions of any crime or having any immigration violations may impact your derivative’s eligibility. You can find more information on this relief on the U.S. Citizenship and Immigration Service’s website using this link here:

<https://www.uscis.gov/humanitarian/battered-spouse-children-and-parents>