



VAWA

VAWA Extreme Hardship Factors:

The nature and extent of the physical and psychological consequences of the battering or extreme cruelty.

The impact of the loss of access to the U.S. courts and criminal justice system (including, but not limited to, the ability to obtain and enforce orders of protection, criminal investigations and prosecutions, and family law proceedings or court orders regarding child support, alimony, maintenance, child custody, and visitation).

The applicant's or applicant's child's need for social, medical, mental health, or other supportive services, particularly those related to the abuse or surviving the abuse, which would not be available or reasonably accessible in the foreign country.

The existence of laws, social practices, or customs in the foreign country that would penalize or ostracize the applicant or applicant's child for leaving an abusive situation or for taking action to stop the abuse.

The abuser's ability or lack thereof to travel to the foreign country and the ability, willingness, or lack thereof of foreign government authorities to protect the applicant and/or the applicant's child from future abuse.

Violence Against Women's Act: The VAWA Green Card.

Many of our clients are victims of domestic violence who are looking for a way to get permanent residency in the United States. This visa allows the abused spouse of a U.S. citizen or lawful permanent resident to self-petition for a green card without the knowledge of the abuser. It is a vital tool in helping these victims escape abusive situations.

If you are a victim of domestic violence, you may be eligible to file for a "green card" under the Violence Against Women Act (VAWA). This article will explain what the VAWA Green Card is and how to apply for it, including how you can self-petition without the knowledge or consent of your abuser.

What is the VAWA visa?

The Violence Against Women Act (VAWA) is a law passed in 1994 to help protect victims of domestic violence. The VAWA green card allows certain spouses, children, parents of U.S. citizens, and permanent residents to get their green card without the abuser's knowledge or consent.

This is important because it allows abuse victims to escape their abusers and start new lives without worrying about being deported back to their home country.

To be eligible for a VAWA green card, you must be able to prove that you have been a victim of domestic violence by your U.S. citizen or permanent resident spouse, parent, or child. The application process for this visa can be complex, and it can take several months to get approved.

Who can apply for a VAWA visa?

The VAWA green card is available to spouses, children, and parents of U.S. citizens and permanent residents who have been victims of domestic violence.

To be eligible, you must prove that you have been a victim of abuse by your U.S. citizen or permanent resident spouse, parent, or child. Accepted forms of evidence include police reports, hospital records, and restraining orders.

You're eligible to self-petition under VAWA if:

- you're an abused spouse of a US citizen or legal permanent resident
- you're an abused child of a US citizen or lawful permanent resident

- you're a spouse of a US citizen or lawful permanent resident, and your children are being abused

What are the requirements?

To self-petition for a VAWA green card, you must be able to prove that you have been a victim of domestic violence by your U.S. citizen or permanent resident spouse, parent, or child.

What is domestic abuse?

The United Nations defines domestic abuse as “any form of physical, sexual, or psychological violence that occurs within the family or domestic unit or between former or current spouses or partners, whether or not the abuser shares or has previously shared the same residence with the victim.”

This includes physical violence, sexual abuse, emotional abuse, and economic abuse. Anybody can be a victim of domestic violence, and if you're experiencing domestic abuse, you're not alone.

If you're a victim of domestic violence, you may be eligible to file for a “green card” under the VAWA act. Even if your abuser withholds your documents and threatens your immigration status, you can still self-petition for a VAWA green card without their knowledge or consent.

Your abuser does not have to withhold your documents for you to be eligible for this visa.

What evidence is accepted?

There is much evidence to be supplied for your petition to be complete. The evidence must show that you suffered from abuse a family member committed. Police reports, hospital records, and restraining orders are all accepted forms of evidence. If you don't have any of these things, there are other ways to prove your case.

You need to have evidence to support the following:

- The abuser's citizenship status
- Proof of your relationship with the abuser
- Proof that you have been abused (does not have to be police reports, can be letters from friends, family, co-workers, or clergy)
- Proof that the marriage (if applicable) has been in good faith
- Affidavit of good moral character and legal criminal background check

- If you have children, provide proof that they have also been abused (if applicable)
- Proof that you and the abuser had shared residency

What is the application process?

Applying for a VAWA can be incredibly stressful, and it's essential to get help from an experienced immigration attorney. The process is long and complex, and it can take several months to get approved.

Here is the application process:

First, you will need to gather all necessary evidence and forms. The form required is Form I-360. In some cases, you may be eligible to file for an I-485, allowing you to adjust your citizenship status simultaneously.

Next, you will need to file a petition with the USCIS. You can do this by mail or online.

Once the USCIS receives your petition, they will send you a notice confirming that they have received it. You will need to attend an interview with a USCIS officer, which will be scheduled within 45 days of the receipt of your petition.

You will need to provide more evidence to show that you qualify for a VAWA green card at the interview. The USCIS officer will ask questions about your relationship, the abuse, and immigration history.

After the interview, the USCIS will decide on your case. If you are approved, you will be granted a green card.

You can appeal the decision or file a motion to reopen or reconsider your case if you are not approved.

It's essential to get help from an experienced immigration attorney throughout the process to ensure that your rights are protected and that you have the best chance of success.

What are the benefits of a VAWA green card?

A VAWA green card allows victims of domestic violence to live and work in the United States without fear of being deported back to their home country.

It also allows victims to become U.S. citizens eventually.

A VAWA green cardholder can also petition for their children to come to the United States.

If you are a victim of domestic violence, you don't have to suffer in silence. Help is available, and you may be eligible for a VAWA green card.

Get started:

Claudia Ribas has over 20 + years of experience working in immigration and has the knowledge and expertise to help you through the process. I am ready to write your Psychological Report proving that you are eligible for a VAWA Visa.

Give us a call on (914) 261 0596 or send an email to claudiaribaslcsw@gmail.com to get started with your case.