

1. **What is VAWA?**

- VAWA, or the Violence Against Women Act, is a federal law that provides protections for survivors of domestic violence and sexual assault so the victims can seek safety and protection from their abusers.

2. **Who is eligible for protection under VAWA?**

- Spouses of USC/LPRs, child of a USC/LRPR parent, or parent of a USC child 21 or older.

3. **What are the requirements for VAWA?**

- You have a qualifying relationship (see above); you were subjected to battery or extreme cruelty by your USC/LPR relative during the relationship; you are residing with or have resided with your abusive USC/LPR relative; you are a person of good moral character.

4. **Do men qualify for protection under VAWA?**

- Yes, both men and women can qualify for protection under VAWA. The law is gender-neutral, so don't get tricked by the name. It is sometimes difficult for men to come forward about Domestic Violence and Sexual Assault, but they are held to the same requirements, so if they qualify, they can apply for VAWA.

5. **Can an abused spouse self-petition under VAWA?**

- Yes, an abused spouse can file a self-petition directly with U.S. Citizenship and Immigration Services (USCIS) without the abuser's knowledge or consent. There is no signature needed by the spouse and they certainly will not be notified of the application being filed. You just must prove that you entered into the marriage in good faith and not for an immigration benefit.

6. **What benefits does VAWA provide?**

- VAWA provides protection from deportation, work authorization, and eligibility to apply for permanent residency (green card). For the residency, he or she must either be married to a USC or must wait for the priority date on their VAWA approval notice to be current so they can file for their residency separately and afterwards.

7. **Can VAWA applicants work while their petition is pending?**

- Not while the application is pending, but once it is approved. USCIS will automatically consider you for an EAD if you make the request for one by checking the box on the I-360 asking this. There is no technical need to file a separate form for your EAD. If you do not request an initial EAD on Form I-360, however, you must file Form I-765 after your Form I-360 is approved in order to obtain an EAD.

8. **Is there a fee to file a VAWA self-petition?**

- As of January 2025, there is no filing fee for the VAWA self-petition. Additionally, if the individual is eligible to file for permanent residence (green card) concurrently, there is no additional fee for that application.

9. **How long does it take for USCIS to process a VAWA self-petition?**

- As of January 2025, these are taking about 37 months to be approved.

10. **Can VAWA applicants include their children in the petition?**

- Yes, if you are applying as a spouse or child of an abusive USC/LPR, you may include your unmarried children under 21 as derivative beneficiaries on the petition. However, if you are applying as a parent of an abusive adult USC son or daughter, you are not eligible to include derivative beneficiaries on the petition.

11. **What evidence is required for a VAWA self-petition?**

- Evidence of the abuse may include police reports, medical records, affidavits from witnesses, your own statement, and pictures of your injuries. You need to show that you have good moral character, so a clean criminal record or one with may just traffic citations. You also have to prove that you are residing/were residing with the abuser, so maybe some mail with same addresses connected to it.

12. Can an individual in removal proceedings file a VAWA self-petition?

- Yes, individuals in removal proceedings can file VAWA self-petitions as a form of relief from removal. Generally, they must present, depending on the stage of the immigration court case, the receipt notice or approval notice for their VAWA to the immigration judge. Or if the applicant was already given a final removal order, a VAWA approval can provide a basis for reopening the case and asking the immigration judge to terminate it.

13. Can VAWA applicants appeal if their petition is denied?

- Yes, applicants have the right to appeal a denial, but this will depend on language in the denial, which should be carefully reviewed in case there is no new evidence to submit/something else is preventing from appealing it.

14. Can VAWA beneficiaries apply for U.S. citizenship?

- Yes, VAWA beneficiaries who have obtained lawful permanent residency can apply for U.S. citizenship once they have been an LPR for 3 years.

15. Can VAWA self-petitioners remain in the U.S. if the abuser becomes a U.S. citizen?

- Yes, there are no restrictions to this and VAWA self-petitioners can remain in the U.S. even if the abuser becomes a U.S. citizen, as the original qualifying relationship still exists.

16. What if I am going through a divorce, can I still apply for VAWA?

- Yes, VAWA is available to individuals even if a divorce is pending, but the VAWA app must be filed within 2 years of the divorce and must include evidence that the marriage was legally terminated (final divorce decree, annulment, termination was connected to the battery or extreme cruelty).