



U.S. Department of Justice
Immigration and Naturalization Service

HQ/ADM 706.1P

425 I Street NW
Washington, DC 20536

SEP 8 2000

MEMORANDUM FOR VERMONT SERVICE CENTER

FROM: Michael D. Cronin *Michael D. Cronin*
Acting Executive Associate Commissioner
Office of Programs

SUBJECT: Deferred Action Determinations for Self-petitioning Battered Spouses and Children

On December 22, 1998, the Office of Programs issued a memorandum which outlined the procedures for deferred action determinations on behalf of battered aliens with approved I-360 self-petitions. That memorandum remains in effect but is supplemented by this memorandum with regard to the Vermont Service Center's authority to extend the period of validity for deferred action determinations.

Initially the Vermont Service Center was directed to grant deferred action for fifteen months after the approval of the I-360 and extensions in increments of twelve months. However, deferred action determinations were not to exceed a maximum period of 27 months in the case of a self-petitioner for whom a visa number was immediately available. In the case of all other self-petitioners, the maximum period of validity was not to exceed 24 months following the date on which a visa number became available (as determined by notification from the Department of State).

It has come to the attention of the Service that for many reasons, including termination of section 245(i), numerous battered immigrants with approved self-petitions are unable to adjust status or depart the United States for issuance of an immigrant visa abroad without rendering themselves either inadmissible or ineligible. This is clearly not the outcome intended by the

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immigration provisions of the Violence Against Women Act of 1994 (VAWA). Until a statutory remedy is available the Service will extend the period of time that deferred action determinations may be valid.

Effective immediately, the VAWA unit at the VSC has the authority to grant appropriate extensions of deferred action to battered immigrants with approved self-petitions (and derivative children listed on the self-petition). The maximum validity periods outlined in the December 22, 1998 memorandum are no longer applicable. The VSC will continue to record and report on all grants and extensions of deferred action as detailed in that memorandum.

If you have questions regarding this memorandum or other VAWA-related issues, please contact Ms. Karen FitzGerald, Office of Programs at (202) 514-4753 or via cc:mail.

This memorandum has the concurrence of the Immigrant Services Division.