



## U.S. Citizenship and Immigration Services

### Battered Spouse, Children and Parents

As a battered spouse, child or parent, you may file an immigrant visa petition under the Immigration and Nationality Act (INA), as amended by the Violence Against Women Act (VAWA).

The VAWA provisions in the INA allow certain spouses, children, and parents of U.S. citizens and certain spouses and children of permanent residents (Green Card holders) to file a petition for themselves, without the abuser's knowledge. This allows victims to seek both safety and independence from their abuser, who is not notified about the filing.

The VAWA provisions, which apply equally to women and men, are permanent and do not require congressional reauthorization.

Help is also available from the National Domestic Violence Hotline at 1-800-799-7233 or 1-800-787-3224 (TDD). The hotline has information about shelters, mental health care, legal advice and other types of assistance, including information about filing for immigration status. For more information, visit the [National Domestic Violence](#) website.

#### Those Eligible to File

- **Spouse:** You may file for yourself if you are, or were, the abused spouse of a U.S. citizen or permanent resident. You may also file as an abused spouse if your child has been abused by your U.S. citizen or permanent resident spouse. You may also include on your petition your unmarried children who are under 21 if they have not filed for themselves.
- **Parent:** You may file if you are the parent of a U.S. citizen, and you have been abused by your U.S. citizen son or daughter.
- **Child:** You may file for yourself if you are an abused child under 21, unmarried and have been abused by your U.S. citizen or permanent resident parent. Your children may also be included on your petition. You may also file for yourself as a child after age 21 but before age 25 if you can demonstrate that the abuse was the main reason for the delay in filing.

#### Eligibility Requirements for a Spouse

- Qualifying spousal relationship:
  - You are married to a U.S. citizen or permanent resident abuser or
  - your marriage to the abuser was terminated by death or a divorce (related to the abuse) within the 2 years prior to filing your petition, or
  - your spouse lost or renounced citizenship or permanent resident status within the 2 years prior to filing your petition due to an incident of domestic violence, or

- you believed that you were legally married to your abusive U.S. citizen or permanent resident spouse but the marriage was not legitimate solely because of the bigamy of your abusive spouse.
- You have suffered battery/extreme cruelty by your U.S. citizen or permanent resident spouse:
  - You have been abused by your U.S. citizen or permanent resident spouse, or
  - your child has been subjected to battery or extreme cruelty by your U.S. or permanent resident spouse.
- You entered into the marriage in good faith, not solely for immigration benefits.
- You have resided with your spouse.
- You are a person of good moral character.

#### Eligibility Requirements for a Child

- Qualifying parent/child relationship:
  - You are the child of a U.S. citizen or permanent resident abuser, or
  - you are the child of a U.S. citizen or permanent resident abuser who lost citizenship or lawful permanent resident status due to an incident of domestic violence.
- You have suffered battery/extreme cruelty by your U.S. citizen or permanent resident parent.
- You have resided with your abusive parent.
- You are a person of good moral character; a child less than 14 years of age is presumed to be a person of good moral character.

#### Eligibility Requirements for a Parent

- Qualifying parent/son or daughter relationship:
  - You are the parent of a U.S. citizen son or daughter who is at least 21 years of age when the self-petition is filed, or
  - you are the parent of a U.S. citizen son or daughter who lost or renounced citizenship status related to an incident of domestic violence, or
  - you are the parent of a U.S. citizen son or daughter who was at least 21 years of age and who died within 2 years prior to filing the self-petition.
- You have suffered battery or extreme cruelty by your U.S. citizen son or daughter.
- You have resided with the abusive son or daughter.
- You are a person of good moral character.

#### Filing Process

- You must complete the [Form I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant](#), including all supporting documentation.

- You must file the form with the Vermont Service Center (VSC).
- If you are living abroad at the time of filing the self-petition, you may file Form I-360 if:
  - the abuser is an employee of the U.S. government,
  - the abuser is a member of the uniformed services, or
  - you were subjected to battery or extreme cruelty in the United States.
- If you are a self-petitioning spouse or child and you meet all filing requirements, you will receive a notice (Prima Facie Determination Notice) valid for 150 days that you can present to government agencies that provide certain public benefits to certain victims of domestic violence.
- If your Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant is approved and you do not have legal immigration status in the United States, we may place you in deferred action, which allows you to remain in the United States

### Working in the United States

If you have an approved Form I-360, you are eligible to apply to work in the United States. In addition, if you have an approved Form I-360 and have been placed in deferred action, you are eligible to apply to work in the United States. To apply to work in the United States, you must file the [Form I-765, Application for Employment Authorization](#), with the Vermont Service Center.

Your children listed on your approved Form I-360, may also apply for work authorization. For more information on working in the United States, visit our [Working in the U.S.](#) page.

### Permanent Residence (Green Card)

If you have an approved Form I-360, you may be eligible to file for a [Green Card](#). If you are a self-petitioning spouse or child, your children listed on your approved Form I-360 may also be eligible to apply for a Green Card. For information about filing for a Green Card, see the [Immigration Options for Victims of Crimes Brochure \(PDF, 272 KB\)](#).

### Related Links

#### More Information

- [Immigration Options for Victims of Crimes Brochure \(PDF, 272 KB\)](#)
- [Immigration Relief for Vulnerable Populations \(PDF, 324 KB\)](#)

#### Forms

- [Form I-730, Refugees/Asylee Relative Petition](#)
- [Form I-485, Application to Register for Permanent Residence or Adjust Status](#)
- [Form I-765, Application for Employment Authorization](#)
- [I-765V, Application for Employment Authorization for Abused Nonimmigrant Spouse](#)

## Other USCIS Links

- [Immigration and Nationality Act](#)
- [Working in the U.S.](#)
- [Glossary](#)
- [Immigration Relief for Vulnerable Populations \(PDF, 324 KB\)](#)
- [Fact Sheet: USCIS Issues Guidance for Approved VAWA Self-Petitioners](#)
- [Questions and Answers: Battered Spouses, Children and Parents Under the Violence Against Women Act \(VAWA\)](#)

## Non-USCIS Links

- [Department of State: Visa Information](#)



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