

Introduction to VAWA Self-Petitioning Flow Charts

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Last updated: June 19, 2019

VAWA “self-petitioning” is available to spouses and children abused by their U.S. citizen or legal permanent resident spouses, U.S. citizen or legal permanent resident parents, or U.S citizen sons or daughters whom are over 21-years-old. To qualify for a VAWA self-petition, an immigrant victim must have suffered from battery or extreme cruelty at the hands of their abusive citizen or lawful permanent resident spouse, parent or adult son or daughter. A VAWA self-petitioner does not need to rely on their batterer to qualify for legal immigration status. These protections are available to all married persons including both heterosexual and same sex marriages. Unmarried children under the age of 21 who are being abused by a parent who is a U.S. citizen or a lawful permanent resident are also eligible for a self-petition, if they file before age 25. VAWA self-petitioning also extends to parents of children being abused by their citizen or lawful permanent resident parent, even if they themselves are not being abused.

VAWA self-petitioning was designed to cover different forms of abuse occurring in families including: spouse abuse, child abuse, and elder abuse. Generally, a victim can include certain immediate family members in their applications. In designing VAWA self-petitioning, Congress wanted to ensure that abused children could receive the help they needed and understood that when a parent is an immigrant, the abuser should not be able to use threats of deportation to silence an immigrant parent from reporting the abuse of a child. For this reason, VAWA self-petitioning is available to non-citizen parents of abused children without regard to whether the child:

- Is a citizen or non-citizen
- Is a natural child, adopted child or step-child.

The parent of an abused child can file a VAWA self-petition both when they have also been abused and when they have not.

The immigrants eligible to file VAWA self-petitions include the following:

- Adult victims of spouse abuse perpetrated by a US citizen or lawful permanent resident spouse or former spouse
- Parents of children abused by the child’s other parent who is a citizen or lawful permanent resident, regardless of whether the child is an immigrant or citizen
- Immigrant child abuse victims who can include their parents in their VAWA self-petitions; or
- Adult victims of elder abuse perpetrated by their over 21 year old citizen sons or daughters.

The VAWA Self-Petitioning Flow Charts are screening tools meant to determine eligibility for VAWA immigration relief for immigrant survivors of abuse, including abused adults, children, and elders. Each flow chart addresses the possibility of VAWA immigration relief for the corresponding group of immigrant survivors.

Key

Abused=battered or suffering from extreme cruelty

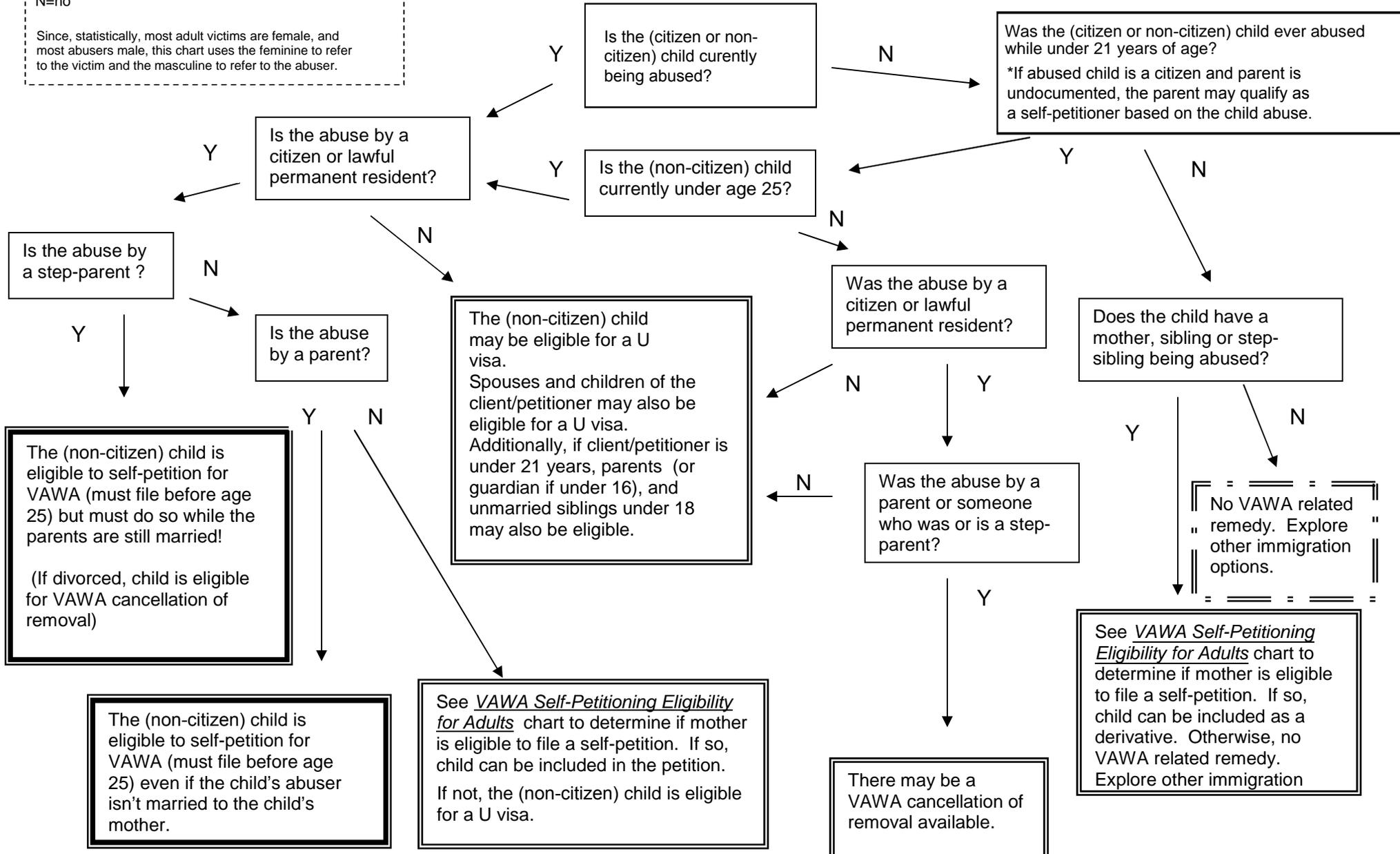
Y=yes

N=no

Since, statistically, most adult victims are female, and most abusers male, this chart uses the feminine to refer to the victim and the masculine to refer to the abuser.

VAWA Self-Petitioning Eligibility Flow Chart for Abused Children (Last updated: June 17, 2019)

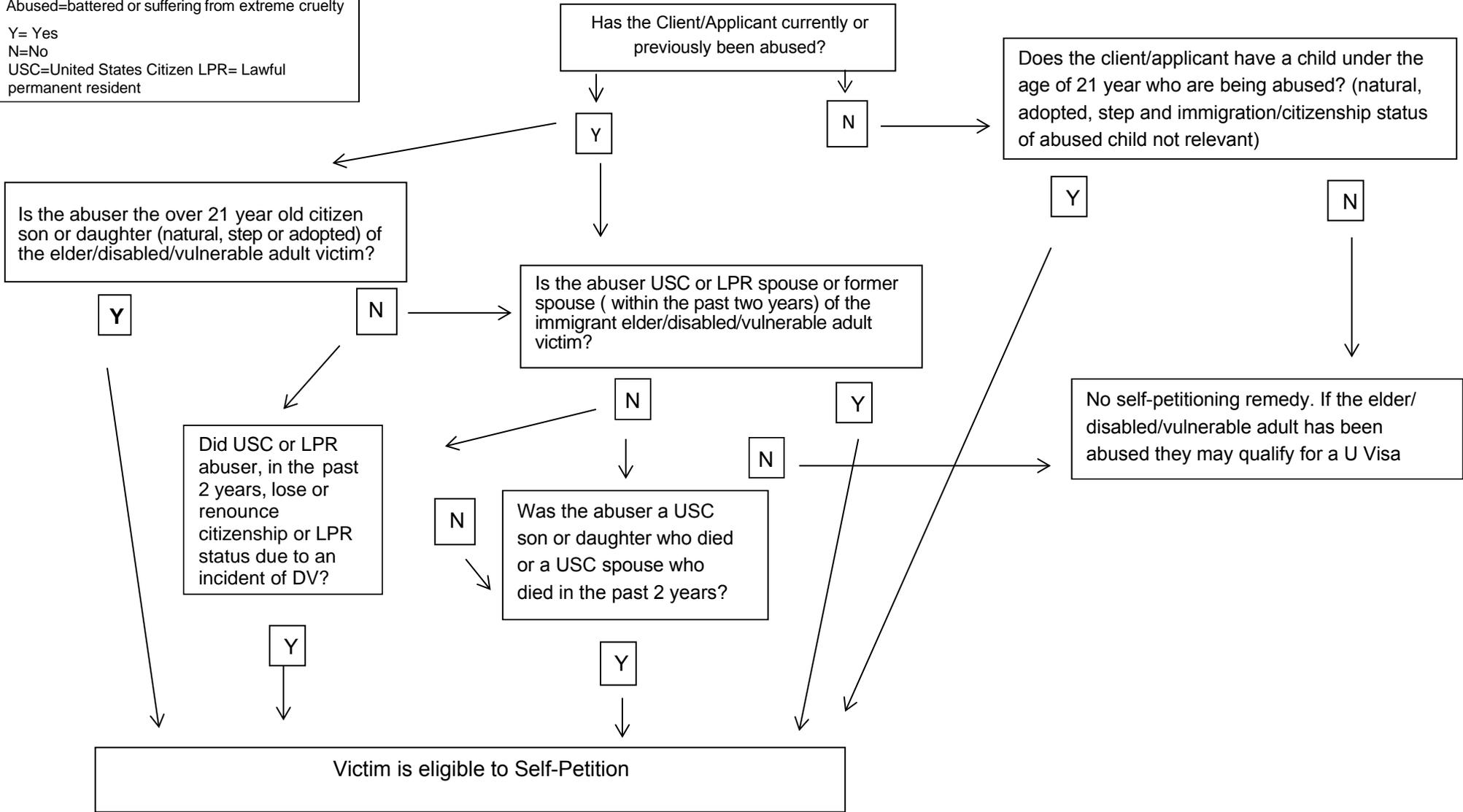
By Leslye Orloff and Deborah Birnbaum



Key

Abused=battered or suffering from extreme cruelty
 Y= Yes
 N=No
 USC=United States Citizen LPR= Lawful permanent resident

VAWA Self-Petitioning Eligibility Flow Chart for Abused Elders, Vulnerable or Disabled Adults (Last updated: June 17, 2019)



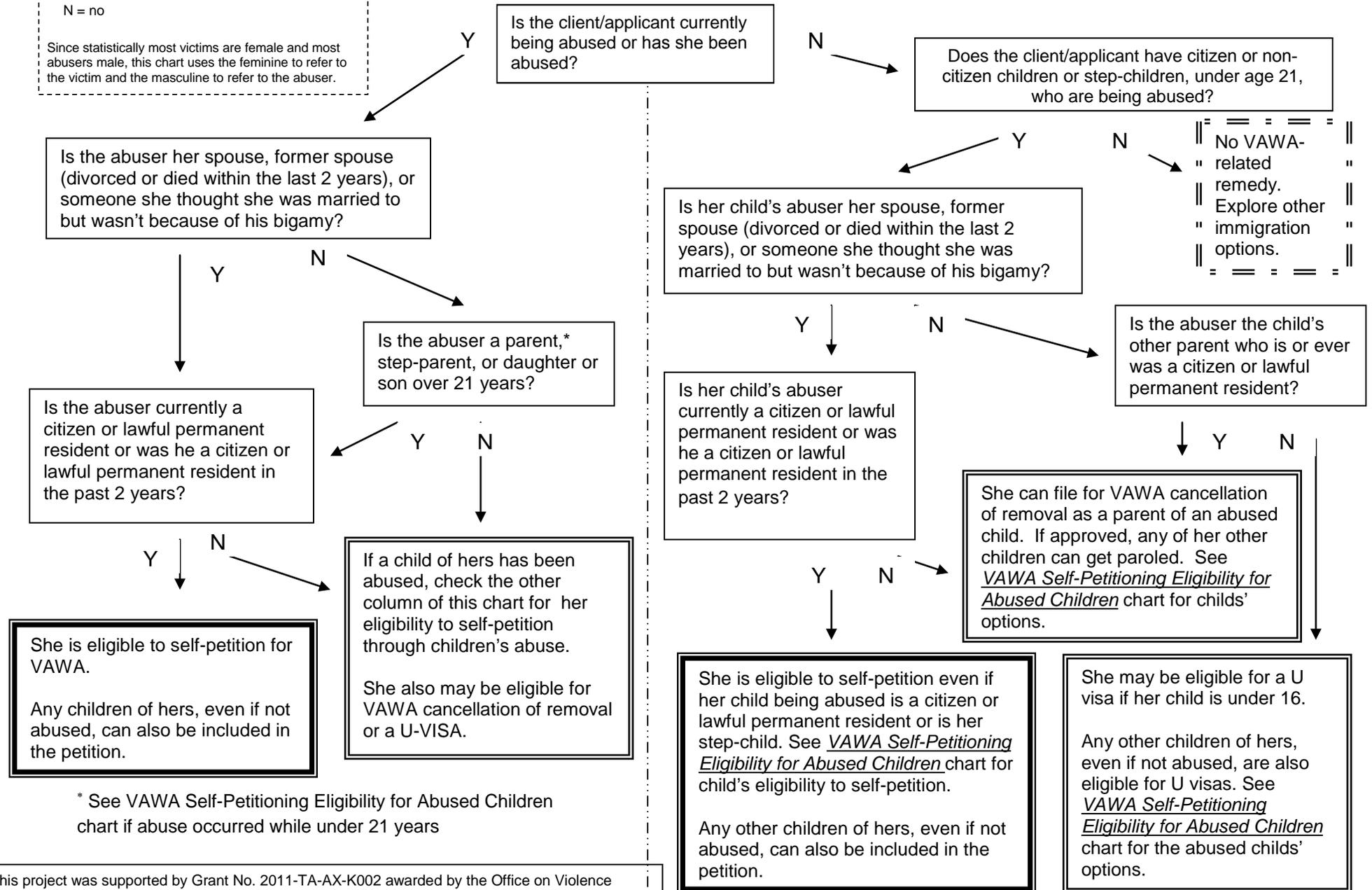
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This material was supported by Grant Numbers 2011-TA-AX-K002 awarded by the Office on Violence Against Women, Office of Justice Programs, U. S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the Department of Justice, Office on Violence Against Women.

Key

Abused = battered or suffering from extreme cruelty
 Y = yes
 N = no
 Since statistically most victims are female and most abusers male, this chart uses the feminine to refer to the victim and the masculine to refer to the abuser.

VAWA Self-Petitioning Flow Chart for Adults



* See VAWA Self-Petitioning Eligibility for Abused Children chart if abuse occurred while under 21 years