

Advocacy for Immigrant Victims of Domestic and Sexual Violence Violence Against Women Act Self Petitions

By Carolyn Seugling¹

The Violence Against Women Act (VAWA) includes two provisions that give legal status to immigrant victims who do not have lawful permanent resident status but are married to U.S. citizens and have suffered abuse at their spouse's hands. Advocates should inform immigrant victims that if certain requirements are met, the immigrant victim is able to remain in the United States lawfully and get a work permit. **Please note: it is still important to contact an immigration attorney before filing any documents with the Department of Homeland Security.**

I-360 Self Petition

This petition is for an immigrant woman who has been abused by her husband who is a U.S. citizen. Advocates should help the victim tell her story of abuse related to specific incidents as well as in collecting the proper documentation. The documents listed are suggestions but are not all inclusive of what types of things might serve as proof. The victim will have to prove the following requirements:

- Spouse's U.S. Citizenship
 - Birth Certificate
 - Passport
 - Naturalization Certificate

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AMICUS presents new or emerging issues of domestic and sexual violence law or clarifications of existing law where it is not well understood, as well as practice guidelines in domestic and sexual violence law for attorneys, advocates, courts, law enforcement, and others. It is published monthly by the Tennessee Coalition Against Domestic and Sexual Violence (TCADSV) and is free. This newsletter is not intended as legal advice. For application of the law to your individual case, please consult an attorney.

Violence Against Women Act Self Petitions

continued

- Good Faith Marriage
 - The couple could not have married just for papers
 - Marriage Certificate
 - Joint Lease, bank, or other accounts
 - Joint medical or car insurance
 - Photos of the couple together
 - Children born into the marriage
- Living Together
 - Same as good faith marriage
 - Neighbors affidavits
- Domestic Violence
 - Police Reports
 - 911 Calls
 - Photos or injuries or property damage
 - Orders of Protection
 - Letters from a Domestic Violence Shelter or Counselor
 - Medical Records
 - Letters from friends and/or family
 - Letters from any witnesses
 - Diary or Journal of abuse
- Good Moral Character
 - No arrest record
 - Police clearance reports from every state where the victim has lived

I-765 Petition to Remove the Conditions of Residence

This relief is available for a victim who is married to a U.S. Citizen, has received conditional residence which will expire within two years and has been abused by her husband. She may then apply for a green card without her husband to remain here lawfully if the following are met:

- Good Faith Marriage
 - See Above
- Domestic Violence or Divorce
 - If Divorce, a divorce decree must be shown
 - If Domestic Violence, see above

The above two provisions basically enable the victim to remain in the United States without the normal requirements that a resident would have to petition for the victim to remain. Some attorneys include an affidavit of the victims detailing her abuse. Telling her story of victimization to a stranger may be traumatic, especially the first time. Assisting the victim in remembering and writing down the chronology of all the incidents of abuse before consulting anyone is recommended. Also, having her story prepared will speed up the time the victim it will take for her application to be filed and processed. Remember, when assisting immigrant victims, it is important to review the previous articles' discussion of their fears and concerns.

Be sure to read the other articles in this series,
Advocacy for Immigrant Victims of Domestic and Sexual Violence.
The articles include: *Introduction, Do's and Don'ts, Safety Planning for Battered Immigrant Women, Order of Protection Provisions, Trafficking Victims, Violence Against Women Act Petitions, and Additional Resources.*

Copies of the entire series are available from:
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The Tennessee Coalition Against Domestic and Sexual Violence (TCADSV) is a non-profit organization composed of diverse community leaders and program members who share a common vision of ending violence in the lives of Tennesseans through public policy advocacy, education and activities which increase the capacity of programs and communities to address violence. As a statewide coalition, we serve: Domestic and Sexual Violence Programs, Community Groups and Organizations, Criminal Justice Agencies, Allied Professionals (Medical, Legal, Mental Health, etc.) and Individuals Seeking Information and Resources. For more information, please contact TCADSV at 615.386.9406.

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