

BATTERED SPOUSE, CHILDREN, AND PARENTS

Are you a foreign citizen being abused by a U.S. citizen or a permanent resident while living in the U.S.?

Do you need to get away from this abuser without their knowledge?

If you answered “Yes” to the above questions, then you might be eligible for the battered spouse, children or parents immigrant visa. The Violence against Women Act (VAWA) allows certain spouses, children and parents of U.S. citizens and permanent residents to file a petition for an immigrant visa without the knowledge of the abuser. The main idea behind this immigrant visa is that the battered spouse, child or parents can seek independence and safety from the abuser without their knowledge. Even though it is the Violence against Women Act, it applies to both males and females equally.



What documents do I need to show to be eligible?

- Spouse – you may file for yourself, if you are married to a U.S. citizen or permanent resident and he/she has abused you while living in the U.S. You entered the marriage with your spouse in good faith and not solely for immigration benefits. You must have lived with your spouse and you are a person of good moral character. You can use your marriage certificate, signed affidavits from friends or family members, or similar documents to prove all of these points.
- Child – you may file for yourself, if you are under the age of 21 and unmarried. Additionally, you may file if you are the child of a U.S. Citizen or permanent resident and he/she has abused you while living in the U.S. You must document that you resided with the abusive parents and have evidence to prove your relationship with your parent. You must have document validating your good moral character, if you are over the age of 14, such as a signed affidavit from friends and family members.

- Parent – you may file for yourself, if you are the parent of a child who has been abused. Additionally, you can include children who have not been abused. This immigrant visa also applies if you are the parent of a U.S. citizen son or daughter and he/she has abused you. You must have documents showing you have resided with the abusive son or daughter and are a person of good moral character. You can use your marriage certificate, signed affidavits from friends or family members, or similar documents to prove all of these points.

How long can I stay in the U.S. under the battered spouse, children and parents visa?

The battered spouse, children and parents visa is an immigrant visa. If you are approved, then you can file for a green card. The children who you listed on the petition may also be eligible to apply for a green card, as well.

Can I work while I am in the U.S. under the battered spouse, children and parents visa?

If your petition is approved, then you are eligible to apply to work in the U.S. You must file the Form I-765, which is an application for employment authorization.

Conclusion

The battered spouse, children and parent immigrant visa was set up by the Violence against Women Act, which set up a process for those people being abused to get away from their abuser. This petition allows the abused person to work and even apply to get a green card in the U.S.