

VAWA (Violence Against Women Act)

- ~~VAWA~~ VAWA Cancellation

VAWA

WHO IS ELIGIBLE TO APPLY FOR VAWA?

You may be eligible to apply for VAWA if you:

- are married to that U.S. Citizen or Lawful Permanent Resident are the parent of U.S. Citizen or Lawful Permanent Resident

WHAT BENEFITS DOES VAWA PROVIDE?

An individual who is approved for VAWA:

- receives protection from deportation can work lawfully and is eligible to apply for a green card

WHAT DO I HAVE TO SHOW TO APPLY FOR

VAWA?

There are several requirements that need to be met and proven when applying for VAWA. You will need to demonstrate that you:

1. are the spouse or child of a U.S. Citizen or Lawful Permanent Resident or the parent of a U.S. Citizen adult son or daughter,
2. were abused by the U.S. Citizen or Lawful Permanent Resident family member,
 - a. Threatening to beat or terrorize you
 - b. Emotionally abusing you, such as insulting you at home or in public
 - c. Forcing you to engage in sexual activities
 - d. Threatening to deport you or turn you over to immigration authorities
 - e. Controlling where you go, what you can do, and who you can see
1. lived with the abuser at some time, with a person of good moral character, currently living in the AND

IF YOU ARE APPLYING AS A SPOUSE THEN YOU MUST ALSO SHOW THAT YOU

1. are legally married and in a bona fide marital relationship

VAWA Process

The VAWA self-petition is filed on the Petition for Amerasian, Widow(er), or Special Immigrant ([Form I-360](#)). An approved Form I-360 provides self-petitioners with immigrant classification as either immediate relatives or

under a family-based preference category and allows them to apply for LPR status. An approved I-360 will work the same way as an approved I-130 petition from a US citizen spouse or adult son or daughter.

VAWA Cancellation

VAWA Cancellation of Removal

Under the Violence Against Women Act ([VAWA](#)), certain foreign-born victims of domestic violence who are in U.S. removal (deportation) proceedings can apply in front of an immigration judge to remain in the United States with a green card. This is what's called VAWA-based "cancellation of removal."
(See [8 U.S.C. Section 1229\(b\)](#).)

In order to qualify for it, you must show that:

- you have been in the U.S. for more than three years by a U.S. citizen or permanent resident (LPR) spouse, child, or parent
- you are not on legal status

You can also qualify for VAWA cancellation of removal if you are a parent of an abused child of a U.S. citizen or LPR, even if you are not married to the child's other parent.

If your VAWA application is based on a spousal relationship, you must also show that you entered into your marriage in good faith, with the true intention to create a life together (as opposed to merely trying to get a green card).

VAWA Cancellation of Removal Compared to Standard VAWA Relief

VAWA cancellation of removal requirements are very similar, yet distinct from the [affirmative VAWA application](#) with United State Citizenship and Immigration Services (USCIS) that some abused foreign nationals can file using [Form I-360](#).

The biggest difference is that you must already be in [removal proceedings](#) (in immigration court) to apply for VAWA cancellation. The application must be filed with the court on [Form EOIR 42-B](#).

Some other differences include that a broader set of persons is eligible for VAWA cancellation than for affirmative VAWA. For example, adult (over-21) children of U.S. citizens and LPRs are not eligible for affirmative VAWA, but are eligible for VAWA cancellation. Spouses of citizens and LPRs who have been divorced for more than two years, and parents of an abused child of a U.S. citizen or LPR who is not married to the other parent, can also qualify for VAWA cancellation of removal but not affirmative VAWA.

On the other hand, affirmative VAWA applicants do not have the three-year residency requirement that VAWA cancellation applicants do. If you are not sure whether you qualify for affirmative VAWA or VAWA cancellation, consult an immigration attorney.

Both affirmative VAWA and VAWA cancellation waive (overlook) many of the grounds of immigrant inadmissibility, including [unlawful presence and public charge](#). In order to apply for VAWA cancellation, however, you must have a pending immigration court case and not a final removal order. If you have a removal order you might be still be able to apply for affirmative VAWA with a waiver, or you could file a motion to reopen if you want to pursue VAWA

cancellation.