

## Can I “Self-Petition” Under the Violence Against Women Act?

Under the Violence Against Women Act (VAWA), immigrants who have been battered by their spouse may be eligible to obtain Legal Permanent Resident (LPR) status without the cooperation of their abusive spouse. The “self-petitioning” process was made available in response to a major problem affecting some immigrants. Immigrants that came to the United States through a petition by their spouse and were being abused in their homes were afraid to seek help out of fear that their immigration status would be affected. This process helps to eliminate that fear so that immigrants can seek out the resources that they need to overcome family violence or to leave a dangerous situation.

The following checklist will give you an idea about what you need to show in order to self-petition. Of course, there are often exceptions so don’t be discouraged if you don’t meet all the criteria. If you find yourself in an abusive relationship and you are worried about your immigration status, consult an attorney to explore all of your options.

**If you answer “YES” to the following questions you may be eligible to self-petition.**

Circle One

I am either.....

Y / N

A battered immigrant that married or formerly married a U.S. Citizen or lawful permanent resident, or

A parent of a child that has been battered or subject to extreme mental cruelty by the abusive U.S. citizen or lawful permanent resident spouse, or

A child (under 21) who has been abused by my U.S. citizen or lawful permanent resident parent

And.....

I am the legal spouse or child of the U.S. citizen or lawful permanent resident

Y / N

I have been subjected to battery or extreme cruelty or I am the parent of a child that has been subjected to battery or extreme cruelty

Y / N

I have good moral character

Y / N

If your self-petition is approved, the United States Citizenship and Immigration Services (USCIS) will determine if you are eligible to become a Lawful Permanent Resident (LPR). If you are “inadmissible,” you may be placed in removal proceedings and go before an immigration judge. For this reason, you should consider whether or not you are “admissible” before you self-petition. There are many grounds for inadmissibility so it is best to talk to an immigration attorney.

**If you answer “YES” to any of the following questions, you might not be eligible obtain Lawful Permanent Resident status.**

Circle One

I have a criminal history	Y / N
I am a member of the communist party	Y / N
I would be a "public charge" if allowed to remain in the U.S. (I lack the financial resources/capability to support myself and would rely on public resources)	Y / N
I entered the country illegally	Y / N
I have violated immigration law (worked without authorization, committed fraud etc.)	Y / N
I have a significant communicable disease	Y / N

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