Violence Against Women Act (VAWA)

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What is VAWA

- Violence Against Women Act
  - Purpose
  - Relaxed standards
- Legislation from 1994, Reauthorized in 2000, 2005, and 2013
- 2018 Reauthorization update

Who Qualifies
INA §204(a)(1)

- Abused spouses of U.S. Citizens or LPRs;
- Spouses of U.S. citizens or LPRs whose children have been abused by the U.S. citizen or LPR spouse;
- Abused "intended spouses" of U.S. citizens and LPRs
- Abused children of U.S. citizens or LPRs; and
- Abused parents of U.S. citizens who qualify as immediate relatives



Eligibility Requirements
INA §204(a)(1)

- Relationship to USC or LPR Abuser
- Good moral character
- Subjected to battery and/or extreme cruelty
- Residence in the U.S.
  - Current or
  - Meets exception



Relationship

- Spouse:
  - Marriage or intended marriage entered into in good faith;
  - Residence, past or present, with U.S. citizen or LPR spouse
  - All prior marriages terminated – exception for self petitioner who had good faith belief that marriage was valid
  - Must be filed within two years of: death of abuser, divorce from abuser, deportation/loss of status of abuser - Self petitioner may remarry, but only after approval of I-360. Includes children.
  - Remarriage allowed only after I-360 approval INA §204(h)



Relationship – cont'd

- Child
  - Parent-child relationship with abusive U.S. citizen or LPR
  - Child must be under 21 and unmarried, but can file between 21 and 25 if abuse is "one central reason" for not filing sooner.
  - Includes adopted and stepchildren
  - Derivative children are not required to have been victims of abuse, nor do they have to have resided in the U.S. INA §204(a)(1)(A)(iii)
  - CSPA applies to self petitioning and derivative children INA §204(a)(1)(D)(i)
- Parent
  - Parent of abusive U.S. citizen son or daughter (over 21)



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