



Identifying Immigration options for Immigrant Survivors

VAWA Self-Petition

Must meet all of the requirements below:

- Battery or Extreme Cruelty
- Qualifying Relationship (Abuser is Spouse, Adult USC Child, Parent)
- Abuser has Lawful Permanent Resident or United States Citizen status
- Joint Residence
- **Good Moral Character**
- Good Faith Marriage (for marital relationships)

Leads to immediate adjustment of status if abuser is a USC or several year wait if abuser is an LPR
Prima Facie Notice eligibility makes them qualified immigrants for public benefits purposes

VAWA Cancellation (only available in removal proceedings)

Must meet all of the requirements below:

- Battery or Extreme Cruelty (can include abuse to child in common)
- Qualifying Relationship (Abuser is Spouse, Adult USC Child, Parent, Parent of child in common)
- Abuser has Lawful Permanent Resident or United States Citizen Status
- Good Moral Character
- Extreme Hardship if survivor returns to home country
- Three Years Physical Presence

Leads to removal proceedings being canceled and immediate adjustment of status
Prima Facie Notice eligibility makes them qualified immigrants for public benefits purposes

Definition of a Severe form of Trafficking

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

T visa

Victim of severe form of trafficking in persons

Physically present in U.S., American Samoa, Northern Marianas *on account of trafficking*

Complied with reasonable request for assistance in investigation or prosecution of acts of trafficking

(Children under 18 do not need to meet this criterion)

Would suffer extreme hardship if to return to home county

U visa

- Substantial physical or emotional abuse from criminal activity
- Possesses information about criminal activity
- Criminal activity must have occurred in U.S. or otherwise violate U.S. Law
- Victim has been, is likely to be or is being helpful to an investigation or prosecution of criminal activity

U Visa Qualifying Crimes: Rape; Torture; Trafficking; Incest; Domestic Violence; Sexual Assault; Prostitution; Female Genital Mutilation; Involuntary Servitude; Slave Trade; Being Held Hostage; Kidnapping, Abduction; Peonage, False Imprisonment; Blackmail; Extortion; Manslaughter; Murder; Felonious Assault; Witness Tampering; Obstruction of Justice; Perjury, Attempt, Solicitation, or Conspiracy to Commit any of these Crimes

Continued Presence

- Individual must be determined to be a victim of a severe form of trafficking by a federal law enforcement agency
- Individual is willing to assist in the investigation or prosecution of a trafficking and/or slavery case or be under the age of 18
- Only federal law enforcement may request continued presence on behalf of a victim.