

VAWA Self-Petition

Threatening a family member with deportation is a common and powerful way to control an undocumented immigrant. The Violence Against Women Act (VAWA) is a gender neutral law that helps both men and women leave abusive relationships. It allows people to petition for themselves, free of charge, when they would otherwise have to depend on an abusive family member to help them with Immigration. VAWA can be used as either a self-petition for protection, or as a deportation defense. On this page we will discuss the VAWA self-petition as a protection, which you prepare and mail to Immigration before you are in deportation.

VAWA Eligibility

VAWA as a Protection

Abuse does not need to be physical. It can be emotional abuse, too. For example, someone who constantly berates you, undermines your self-esteem, and curses you is emotionally abusive. The United States characterizes any similar behavior as abuse, regardless of the fact that these actions may be culturally acceptable or expected in other countries. As a result, many people are victims of domestic violence and do not realize it. Alternatively, many immigrants who are victims of domestic violence do not report the abuse because they fear the police as much as they fear their abuser. However, the United States takes domestic violence very seriously, and your right to report your abuser is protected by law.

The Violence Against Women Act (VAWA) is designed to help immigrants leave abusive relatives who would otherwise be their path to a family-based visa. Therefore, VAWA eligibility is based on the self-petitioning immigrant's relationship to their abuser. It is free to self-petition through VAWA, and it is available to both men and women who have suffered abuse from their:

- **Spouse** who is a lawful permanent resident or United States citizen

- **Parent** who is a lawful permanent resident or United States citizen
 - You can qualify for VAWA as a step-child if your parent and step-parent married before your 18th birthday. You can also qualify as an adopted child if you were adopted before turning 16.
- **Child** who is United States citizen and over the age of 21
 - **Note:** Parents who have been abused by their children who are lawful permanent residents cannot self-petition because VAWA is loosely tied to family-based immigration. In family-based immigration, lawful permanent residents cannot petition for their parents, and United States citizens must be at least 21 years old before they petition for their parents.
- VAWA is also available to people who have been battered or subjected to extreme cruelty inside of the U.S. by their spouse or parent who is eligible for:
 - the Cuban Adjustment Act;
 - the Haitian Refugee Immigration Fairness Act;
 - Nicaraguan and Central American Relief Act (NACARA); or
 - Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104-208)

VAWA as a Work Permit

You may be eligible for an employment authorization document (work permit) through VAWA if your abusive spouse is in the United States through one of the following visa categories: A, E-3, G, or H.

If this is the case, you can self-petition for VAWA only for the work permit, which is granted for two years. Ideally, this rule helps both men and women leave abusive relationships. **However, you cannot get a green card through VAWA unless your spouse is either a lawful permanent resident or a U.S. citizen.**

Types of Petitions

Check out our articles on these specific cases:

- [Spouses Who Self-Petition for VAWA](#)
- [Children Who Self Petition for VAWA](#)
- [Parents Who Self-Petition for VAWA](#)

Preparing Your VAWA Application

Affidavit

Perhaps the most difficult part of preparing a VAWA self-petition is writing a detailed affidavit, which is a statement made under oath. You will have to think back on your relationship, and give specific examples of physical abuse or emotional cruelty. This is important because Immigration will never meet you in person; they will have to assess your case based on your written statement.

Affidavits should address each element of your case or requirement for a VAWA self-petition. Talk about living with the abuser, their immigration status, and the abuse that took place in the United States. Your personal statement will be unique to your relationship with the abuser. For example, abused step-children will tell a different story than someone abused by a spouse.

Regardless of your relationship to your abuser, as best you can, write your affidavit as if you are telling a story, like in a book or a movie. Organize your narrative, and write it in enough detail that the immigration officer can clearly picture it in their head. Do not use vague generalities; give very specific examples. Talk about how the abuse made you feel and how it changed you. This is no time to put on a tough face; you have to tell Immigration exactly what happened. If your abuser swore at you, don't be embarrassed about repeating explicit or vulgar language.

At Catholic Charities, we notarize our clients' written statements. Some of our clients like to start out writing their affidavits by themselves and others like to work with their attorney. Do whichever makes you feel more comfortable. Whatever method you choose, do not try to sound like a lawyer. Use your own words.

Additional Evidence

Providing credible evidence of abuse can make your VAWA application stronger, though Immigration can give it any weight they choose. Save any abusive text or voice messages, threatening statements on social media, and any photos that show bruising. Medical or police reports are not required to win a VAWA self-petition, but if you have them, you certainly want to include them. You should also collect statements from family and friends who heard or saw the abuse. If you have a close friend or confidant, get their statement about how the abuse changed you.

You can include anything in your application that you think backs up your story. In Wisconsin, you can look for someone's criminal charges online through the [Wisconsin Circuit Access](#). For example, if you claim that your abuser also abuses alcohol, look for drunk driving convictions to back up that allegation. If your abuser uses drugs, look for tickets or criminal convictions related to their drug use. If your abuser irresponsibly spends all of your family money, look for small claims records, eviction records, or foreclosures. If your abuser hurt other people, look for certified court dispositions of previous criminal convictions or restraining orders.

After You Mail Your Petition

First, you will get a receipt notice from Immigration's Vermont Service Center. Then you should receive a prima facie determination. This is the first review of your petition to make sure you have included all of the required elements. A prima facie is not a final decision, and it does not mean that you won't get a Request for (additional) Evidence, or RFE*. However, a prima facie is still important because it can impact your access to public benefits. If you don't receive a prima facie determination in the mail, follow up with Immigration to make sure they process your application.

*If you receive an RFE, do not panic. Requests for Evidence are common, and it could simply mean that Immigration needs more clarification on an aspect of your petition.

Receiving a Decision

If you receive an approval, Immigration will have categorized you as someone under "Deferred Action". This essentially means that you are so far down on the list of people to deport, that Immigration will not come looking for you. After you receive an approval, you can apply for an employment authorization document, or work permit. If you are low income, you can ask for a fee waiver for the employment authorization.

Traditionally, Immigration has not placed any denied VAWA petitioners into deportation unless the person has a significant criminal history or have previously received a deportation order. Alternatively, if you apply for the VAWA and the green card at the same time, you risk being put into deportation if your green card is denied.

ALERT: HIRE A GOOD IMMIGRATION ATTORNEY

For better or worse, Immigration law changes constantly. Therefore, you will want a competent immigration attorney to assess your case before you send in any VAWA self-petition.

Green Card Through VAWA

Applying for lawful permanent residency, or green cards, through VAWA depends on your relationship to your abuser. Immediate relatives of U.S. citizens can both self-petition for VAWA and apply for the green card at the same time.

If you are the spouse, child, or parent of a U.S. citizen and you have also applied for your green card, you will receive something called a biometrics or ASC notice. Learn more in our [Biometrics Appointment](#) article.

Then, Immigration will send your file to your local office for an interview. The local office can deny your application for a green card, but they cannot alter the VAWA approval. However, they can send your VAWA file back to United States Citizenship and Immigration Services (USCIS) and suggest that the service center change their decision from an approval to a denial. This is why it is a really good idea to hire a good immigration attorney and bring them with you to your interview.

All other VAWA self-petitioners are categorized under the **Priority System**, and must apply for VAWA and green cards separately. First, you will wait for your VAWA approval, which will include something called a priority date. You must wait until that date is current, then you can proceed with your green card application. Checking priority dates is confusing, and if done incorrectly, it can put you in deportation. Please rely on the help of an experienced immigration attorney to determine when your priority date is current.

Resources:

For more information about preparing your self-petition, look at the [Immigrant Legal Resource Center's guide to filing VAWA](#).

If you need somewhere to stay away from your abuser, please contact the [Wisconsin Domestic Violence Shelters organization](#).

National Domestic Violence Hotline:

English: 1-800-799-7233

En Español: 1-800-787-3224 (TTY)

Last updated on July 02, 2025.

[Immigration relief for survivors of crime](#)

Print

Table of Contents

Our Partners

This website is supported by

LSC | America's Partner
for Equal Justice

LEGAL SERVICES CORPORATION

LSC's support for this website is
limited to those activities that are
consistent with LSC restrictions.

WisTAF
investing in justice for all