

VAWA and U: What Are the Differences?

Warning: Some of this information may be outdated due to the 2025 executive orders. Please consider consulting an immigration lawyer if you have questions about your situation. You can also [read the President's executive orders](#).

VAWA, or the Violence Against Women Act, and “U” nonimmigrant status are two immigration forms of relief that apply to many immigrant victims of domestic violence. Domestic violence can be physical or emotional harm. A lot of people know VAWA and U exist, but many people confuse these two forms of relief.

“U” and VAWA have really different purposes. Once you understand their purposes, it is easier to understand their differences.

*Please note, we are only talking about the **VAWA Self-Petition** in this article. We will **NOT** review the VAWA that you get from an immigration judge as a defense to deportation.

What is VAWA?

VAWA is meant to help immigrant victims of crime whose family members should have, but did not, apply for them in family-based immigration. Keeping a family member in an undocumented status is a common factor in domestic violence.

What is U Non-Immigrant Status?

On the other hand, “U” nonimmigrant status is meant to help law enforcement investigate and prosecute crimes. Someone applying for a “U” might get nonimmigrant status if they cooperate with and help law enforcement. Also, to clarify, people commonly refer to “U” as the “U visa”, but technically it is NOT a real visa.

Key Differences

Relationship to the Abuser

- VAWA requires that the abuse come from a family member who is a United States citizen or lawful permanent resident. For a list of qualifying family relationships, please [click here](#).
- With “U” however, the abuser does NOT need to be a relative or have any immigrant status.

Law Enforcement

- VAWA does not require that law enforcement be involved. It does not matter if you called the police or if you did not.
- “U” on the other hand, requires that you are the victim of a crime and have a signed certificate from law enforcement showing that you were, are now, or will in the future be helpful in the investigation and prosecution of a certain crime.

Types of Qualifying Crimes

- VAWA is limited to victims of domestic violence who are physically injured or subject to extreme cruelty.
- “U” includes victims of more types of crimes. For a complete list, [click here](#).

Qualifying Effects of Crime

- VAWA requires that your abuser has physically injured you or subjected you to extreme cruelty.
- “U”, however, requires that you suffer “substantial harm”. For example, if your spouse slaps you in the face just once and leaves a red mark, that might be battery, but you probably have not suffered substantial harm from just one slap. If that slap is on top of years of abuse and you call the police, then you might show substantial harm.

Abuse can add up over time, so even a small event may still be considered “substantial harm” if it follows a pattern of abuse. Substantial harm could be emotional or physical.

Limited Number of Approved Applications

- There is no limit to how many VAWAs can be approved each year. However, there is a limit on green card approvals through the VAWA process, depending on your abusive relative's immigration status:
 - If you are married to a U.S. citizen, there is NO limit on green card approvals through VAWA.
 - If you are married to a lawful permanent resident, there is a limit on green card approvals through VAWA due to a backlog of cases. However, there is no limit on the VAWA part of the application itself.
- There is a big backlog on "U" nonimmigrant status, so application approval may take a long time. Congress allows the government to approve only 10,000 applications per year, and every year there are a lot more than 10,000 people who apply. It will be several years before Immigration approves your "U" application.

Grounds of Inadmissibility

"Grounds of inadmissibility" are the reasons that Immigration might not give you a green card. If you apply for "U" nonimmigrant status, Immigration can waive, or pardon, more grounds of inadmissibility. You will still need this waiver to show that you deserve a green card however.

Compared to "U" nonimmigrant status, VAWA has fewer waivers for grounds of inadmissibility, meaning more possibility that Immigration could deny you a green card.

Conclusion

You might apply for both, depending on your situation. VAWA applications will be processed more quickly, but it may be difficult to get a green card through VAWA because of the grounds of inadmissibility.

Therefore, you can apply for VAWA while you are waiting for your "U" application. You can get a work permit through VAWA until your "U" application is processed, which may make getting a green card easier.

Please talk to a trusted attorney who can help you decide, especially if you are confused about the purposes for VAWA and “U”. Please visit our website for advice on [hiring a lawyer](#) for the first time.

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