

## Immigration Options for Victims of Abuse

### Immigration Law

Federal immigration laws provide protections for immigrants, both documented and undocumented, who have been **victims of certain crimes**, including **domestic violence** and **human trafficking**. These laws can provide a pathway to lawful permanent residency or U.S. citizenship. However, immigration law is complicated, and we strongly recommend you contact an immigration lawyer before applying for any of the protections mentioned below. On [WomensLaw.org](https://www.womenslaw.org), you can find [attorneys in your state](#) and [national organizations specializing in immigration](#). We can also provide general information through our [Email Hotline](#).

### VAWA

VAWA stands for the Violence Against Women Act, passed by Congress in 1994. Even though the law has the word “women” in the title, abused men or people of any gender can file a VAWA self-petition as long as they can show they qualify. One thing VAWA did was create a special route to lawful immigration status for victims of domestic abuse so that they don’t have to rely on their abuser to help them get legal status. The way regular immigration laws work is that if you are the spouse, child, or parent of a U.S. citizen (USC) or the spouse or child of a lawful permanent resident (LPR), the USC or LPR must file a petition with United States Citizenship and Immigration Services (USCIS) on your behalf for you to get legal status. VAWA changed that by allowing victims of domestic violence to get legal status without the participation or control of the abuser through a **VAWA self-petition**.

### Requirements

- *Do you have one of the “qualifying relationships?”* -> Are you [married](#) to, or a [child or step-child](#) of, a USC/LPR, or a [parent or step-parent](#) of a USC? *If you are/were married to the abuser, both of the following must be true:*
  - At least some of the abuse happened while you were married; and
  - You married the abuser in “good faith,” which means that you didn’t marry the abuser primarily because you wanted to get immigration status.
- *Can you prove that you were the victim of “battery or extreme cruelty” from that USC or LPR?*
- *Can you prove that you lived in the same home with the USC or LPR abuser at some point?*
- *Can you show you have “good moral character?”* Adults and older teenagers must submit a police clearance for each place where they lived for at least six months during the past three years. Or, you can get an FBI background check covering all states. If you are younger than 14, USCIS will assume (“presume”) that you have good moral character, so you don’t need to provide a police clearance.
- *If you’re currently living outside of the United States, you must meet [additional requirements](#).*

\*Although not included in this Quick Guide, VAWA also creates a [battered spouse waiver](#) so that victims with conditional permanent residence don’t need their spouse’s help to get the condition removed, as well as the possibility of getting a [cancellation of removal](#) for victims who are in removal (deportation) proceedings.\*

## U Visa for Crime Victims

The purpose of the U nonimmigrant visa (U visa) is to encourage undocumented immigrant victims of crime to help law enforcement investigate and prosecute crimes without the fear of being deported. The U visa doesn't cover all crimes, but under certain circumstances, it does include domestic violence, stalking, sexual assault, human trafficking, and felony assault, among other crimes.

### Requirements

To qualify for a U visa, you have to show:

- you were the victim of a [qualifying crime](#) and suffered [substantial physical or mental harm](#) as a result;
- the crime occurred in the United States, including U.S. territories and possessions, or the crime violated a U.S. federal law that specifically allows the U.S. to prosecute crimes committed in another country;
- you have information about the crime, either as the victim or as the immediate family member of a deceased or incapacitated victim; however, not all immediate family members will meet this requirement;
- you were helpful, are being helpful, or are likely to be helpful in the criminal investigation or prosecution of the crime;
- a [law enforcement or other certifying agency](#) gave you a certification that confirms all of the above; and
- none of the [grounds of inadmissibility](#) apply to you, or you qualify for a waiver for any grounds that do apply. "Grounds of inadmissibility" are a long list of crimes and other acts that prevent people from getting status or entering the U.S.

## T Visa for Trafficking Victims

Human traffickers recruit their victims and force them to provide [sex or labor](#). The T visa allows trafficking victims to live and work legally in the United States for four years and to request lawful permanent residence (a "green card") after three years or after the investigation or prosecution of the trafficking is over, whichever is earlier.

### Requirements

- *You are or have been the victim of a severe form of trafficking.* Sex trafficking is being forced to exchange sex acts for something of value, including food or shelter. Labor trafficking is when a person is forced to work against his/her will.
- *You cooperated with reasonable requests from legal authorities or were excused from doing so.*
- *You are in the United States, a U.S. territory, or a port of entry because of human trafficking.*
- *You would suffer "extreme hardship involving unusual and severe harm" if removed ("deported") from the United States.* You would need to show more than economic or social harm. Generally, you will need to show that you would suffer serious physical or psychological harm if you get sent back.
- *You are not subject to any of the grounds of inadmissibility, and you qualify for a waiver of any that do apply.*

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