

**IMMIGRATION RIGHTS  
for  
VICTIMS  
of  
DOMESTIC VIOLENCE**

**IF:**

You are being abused by your U.S. Citizen or Lawful Permanent Resident (“green card”) Spouse, Parent, or Child (over 21)

**OR:**

Your child is being abused by his or her U.S. citizen or Lawful Permanent Resident (“green card”) Parent

**AND:**

You are undocumented or without legal Immigration status

**There are immigration laws that can help you escape violence and get legal immigration status**

If these immigration laws apply to you, you can get legal status **WITHOUT** help from your batterer

**WHAT DO I HAVE TO SHOW TO  
PETITION FOR MYSELF?**

To self-petition successfully for legal status under the immigration laws for battered spouses, children, or parents, you have to show all of the following:

1. That you have been battered or suffered severe emotional abuse by your U.S. Citizen or Lawful Permanent Resident spouse, parent, child (over 21); or

That your child suffered battering or abuse by his or her U.S. Citizen or Lawful Permanent Resident parent;

2. If married, that you married your spouse in good faith, not to get immigration papers, and that you lived with your spouse in the U.S.

You do not need to be living with your spouse when you file your papers; and you may file even if you are divorced, if you file within two years of the divorce.

3. That you are a person of “good moral character.”

*Examples of “good moral character” are listed in the Evidence section of this brochure.*

**WHAT IF I AM IN DEPORTATION OR  
REMOVAL PROCEEDINGS?**

You can self-petition or apply for “cancellation of removal.” You can be granted cancellation of removal even if you are divorced from your battering spouse when you apply. To qualify for cancellation of removal, you have to show:

1. The same things you need to show for the self-petition, and

2. That you have been in the United States for at least three continuous years.

**WHAT IF MY BATTERING SPOUSE IS  
NOT A U.S. CITIZEN OR LAWFUL  
PERMANENT RESIDENT, OR IF I WAS  
NEVER MARRIED TO MY BATTERER?**

There may be other ways for you to get legal status. You should call a legal services office or an attorney and ask about the U Visa. The U Visa is for the victim of a crime who has been helpful, is being helpful, or will be helpful in the prosecution of a crime.

**WHAT IF I HAVE A CONDITIONAL OR  
TEMPORARY GREEN CARD?**

You **MUST** file a waiver of the joint petition. Call to discuss your situation.

## WHAT KIND OF EVIDENCE WILL I NEED?

Collecting the evidence you will need can be complicated, but you should try to get as much as possible of the following:

- ◆ Evidence of your relationship to the batterer, such as a marriage certificate or birth certificate.
- ◆ Evidence that you and the batterer lived together as a married couple, such as birth certificates of children, bills, leases, family photos, tax returns, etc.
- ◆ Proof of the abuse such as restraining or civil protection orders, police reports, medical records, criminal records of the batterer, a letter from a battered women's program, counseling records, photographs of injuries or bruises, affidavits of the witnesses describing the abuse.
- ◆ Evidence of "good moral character" such as proof that you have no criminal record, a letter from your religious institution, or evidence of community involvement.
- ◆ You **MUST** provide a written affidavit describing the history of your relationship with the batterer.

## WHAT NOT TO DO

**YOU SHOULD NOT** go to the Citizenship & Immigration Services (CIS - formerly the INS) alone, even to ask for information. If you receive a notice to go to CIS for an interview or a hearing, speak to an advocate or attorney immediately.

**YOU SHOULD NOT**, under any circumstances, file any papers at the CIS without first discussing your case with an advocate or attorney.

**YOU SHOULD NOT** get divorced until you have spoken to an immigration attorney. If you or your spouse have already started divorce proceedings, call immediately.

**YOU SHOULD NOT** keep your documents where your batterer may find them.

## WHAT TO DO

**YOU SHOULD** get help from a battered women's program or legal services. They can help you figure out your options.

**YOU SHOULD** find any & all documents that will support your case.

## IF YOU ARE IN NEED OF SUPPORT, RESOURCES, AND A SAFE PLACE FOR YOURSELF & YOUR CHILDREN:

Call SafeLink  
a 24-hour Satewide Hotline at  
1-877-785-2020  
*(Safelink is a project of Boston's  
Casa Myrna Vasquez, Inc.)*

## IF YOU ARE A BATTERED IMMIGRANT WHO DOES NOT HAVE A GREEN CARD OR WHO HAS A CONDITIONAL OR TEMPORARY GREEN CARD:

Call the Battered Immigrant Women's Project at:

Community Legal Services And  
Counseling Center (CLSACC)  
(617) 661-1010

Greater Boston Legal Services  
(617) 371-1234

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