

## **PATH TO U.S. CITIZENSHIP FOR ABUSED WOMEN AND CHILDREN**

If you are married to an American Citizen, and are a victim of Domestic Violence, or your child or children are ABUSED, you can still pursue U.S. Citizenship.

[USCIS.gov/humanitarian/battered-spouse-children-parents](https://uscis.gov/humanitarian/battered-spouse-children-parents)

As a battered spouse, child, or parent, you may file an immigrant visa petition under the Immigration and Nationality Act (INA), as amended by the Violence Against Women Act (VAWA).

The VAWA, provisions in the INA allow certain spouses, children, and parents of U.S. Citizens and certain spouses of permanent residents (Green Card holders), to file a petition for themselves without the abuser's knowledge. This allows victims to seek both safety and independence from the abuser, in the United States.

### **The VAWA Provisions Apply Equally to Men and Women**

People who may file include an abused spouse of a U.S. Citizen or Permanent Resident. You may also file if your child was abused by a U.S. Citizen or Permanent Resident spouse. You may also include in your petition any unmarried children under the age of 21, if they have not filed for themselves.

### **Parent of a U.S. Citizen May File if They Are Abused by a Son or Daughter Who Is a Citizen**

A child under the age of 21 may file if abused by their parents, if they are unmarried, if abused by a U.S. Citizen or Permanent Resident. Your children may be included in your Petition.

Finally, you may file yourself as a child after 21, but before 25, if you can demonstrate that the abuse you received delayed your ability to file an application.

### **To Be Eligible You Must Be Married to a U.S. Citizen or a Permanent Resident**

Your marriage to the abuser was terminated by death or divorce (related to the abuse), with 2 years prior to filing your petition, or your spouse renounced their citizenship due to an incident of domestic violence.

You believed that you were legally married to your abusive U.S. Citizen or Permanent Resident spouse, but the marriage was not legitimate, solely because of the bigamy of your abusive spouse.

The Law Offices of Kenneth M. Kaplan, Esquire, are handling Domestic Violence cases, Child Abuse Cases and Immigration matters, in which a spouse of an American Citizen, or Permanent Legal Resident is seeking to change their Legal Status due to Domestic Violence or Child Abuse. My office has also handled Child Abuse cases for over 27 years. Please [contact](#) our office at 305-666-9797, for a consultation.