

**THE INTERSECTION OF FAMILY-BASED IMMIGRATION AND DOMESTIC  
VIOLENCE: EXAMINING VAWA SELF-PETITIONS AND THEIR ROLE IN  
PROTECTING VULNERABLE IMMIGRANTS**

**Dr. Gopal Krishna Sharma**

**Assistant Professor, Institute of Law, Jiwaji University, Gwalior**

**Abstract**

This research paper explores the intersection of family-based immigration and domestic violence in the United States, focusing on the role of the Violence Against Women Act (VAWA) self-petition provisions. Family-based immigration often places noncitizen spouses, children, and parents in vulnerable positions where abusers exploit their dependency for legal status to exert control and perpetuate harm. The VAWA self-petition mechanism, introduced in 1994 and expanded through subsequent reauthorizations, enables survivors of domestic violence to independently seek lawful permanent residency without the cooperation or knowledge of their abuser. This paper critically examines the eligibility criteria, evidentiary challenges, and administrative pathways involved in the self-petition process. It highlights the legal and emotional barriers that prevent many survivors from accessing protections, including fear of deportation, lack of awareness, and difficulty in securing documentation. The paper further evaluates the effectiveness of support systems, such as legal aid and nonprofit organizations, and recommends policy interventions to enhance survivor safety and legal empowerment. Ultimately, VAWA self-petitions serve as a vital legal remedy that empowers immigrant survivors to reclaim autonomy, yet continued systemic reforms are necessary to ensure accessibility and justice for all victims of abuse within the immigration system.

**Keywords:**

VAWA, domestic violence, immigration law, self-petition, immigrant rights, family-based immigration, USCIS.

**Introduction**

Immigration and domestic violence intersect in complex and often tragic ways, especially for noncitizen individuals residing in the United States through family-based immigration pathways. These pathways, while intended to unify families, can inadvertently create structural vulnerabilities when the immigrant's legal status is tied to a sponsoring spouse or family member who is a U.S. citizen or lawful permanent resident (LPR). In many cases, this dependency becomes a tool of control, allowing abusers to manipulate, threaten, and isolate victims by leveraging their immigration status. The fear of losing lawful residency, facing deportation, or being separated from their children prevents many victims from reporting abuse or leaving dangerous relationships. This coercive dynamic undermines both personal safety and access to justice. In response to this pervasive problem, the U.S. Congress enacted the Violence Against Women Act (VAWA) in 1994. One of its most significant provisions was the creation of a self-petitioning process, allowing abused spouses, children, and parents of U.S. citizens and LPRs to apply for lawful permanent residency without the knowledge or consent of the abuser.<sup>1</sup>

The VAWA self-petition was a legislative breakthrough, decoupling immigration benefits from the abuser's control and shifting the focus to the victim's safety and autonomy. Since its enactment, VAWA has undergone several reauthorizations—in 2000, 2005, and 2013—which expanded its protections and improved accessibility for survivors. Yet despite these advancements, numerous challenges remain. Immigrant survivors continue to face significant barriers such as lack of legal knowledge, linguistic and cultural obstacles, economic dependency, and emotional trauma, all of which complicate the process of filing a self-petition. This paper explores the evolution and scope of VAWA self-petitions, analyzes the eligibility framework and procedural requirements, and critically examines the effectiveness and limitations of this legal remedy in protecting immigrant victims of domestic violence within a highly complex and often intimidating immigration system.<sup>2</sup>

### **Historical and Legislative Background**

Family-based immigration has long served as one of the principal pathways for lawful entry and permanent residency in the United States. Under the Immigration and Nationality Act (INA), U.S. citizens and lawful permanent residents (LPRs) are entitled to sponsor certain family members—spouses, children, parents, and siblings—for immigrant visas by filing Form I-130 with the U.S. Citizenship and Immigration Services (USCIS). While this system reflects the principle of family unity, it inadvertently creates substantial vulnerabilities, particularly for immigrant spouses and children. The dependency embedded in the process—requiring the sponsor's active participation and good faith in pursuing the petition—enables abusive sponsors to wield immigration status as a weapon. Victims of domestic violence often face threats of deportation, manipulation through delays or withdrawals of petitions, and isolation from social or legal assistance. This coercive dynamic was well-documented in Congressional hearings leading to the passage of the Violence Against Women Act (VAWA) in 1994.<sup>3</sup>

VAWA, enacted as part of the Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. No. 103-322), introduced a groundbreaking provision under Section 204(a)(1)(A)(iii) and (iv) of the Immigration and Nationality Act. It allowed battered spouses and children of U.S. citizens and LPRs to self-petition for lawful permanent residency through Form I-360, independently of the abuser's knowledge or consent. This legislative innovation disrupted the power imbalance that previously left victims trapped in abusive relationships for fear of immigration consequences. Under the initial provisions, the self-petitioning spouse had to demonstrate that the marriage was entered into in good faith, that the abuse was perpetrated by the sponsoring spouse, and that the victim had good moral character. The victim also had to show that they had resided with the abuser at some point.<sup>4</sup>

Subsequent reauthorizations and amendments to VAWA in 2000, 2005, 2013, and 2022 significantly expanded these protections. The VAWA 2000 reauthorization, under the Battered Immigrant Women Protection Act (BIWPA), broadened eligibility to include abused parents of U.S. citizens and adult abused children over the age of 21. It also allowed applicants to file from outside the United States if the abuse occurred in the U.S. or if the abuser was a U.S. government employee or member of the armed forces. This provision responded to cases involving immigrant spouses who had been lured abroad and abandoned or abused in foreign jurisdictions, effectively closing a jurisdictional loophole that left such victims unprotected.

The VAWA 2005 reauthorization further simplified procedural barriers, introducing confidentiality provisions under 8 U.S.C. § 1367, which prohibited the disclosure of

information about the victim to the abuser or to unauthorized third parties. It also provided employment authorization and interim relief measures, such as prima facie determinations, which enabled applicants to access certain public benefits. Importantly, VAWA 2005 eliminated the requirement that the marriage must be at least two years old at the time of filing, a rule which previously allowed abusers to manipulate filing timelines to frustrate victims' eligibility.<sup>5</sup>

In VAWA 2013, signed into law through the Violence Against Women Reauthorization Act of 2013 (Pub. L. No. 113-4), Congress reaffirmed its commitment to immigrant victims and extended eligibility to LGBT+ survivors by recognizing same-sex marriages for the purpose of self-petitioning. The act also included new protections for Native American victims and established enhanced coordination between immigration services and law enforcement agencies.

The most recent reauthorization in 2022, enacted through the Consolidated Appropriations Act, reinforced prior provisions and provided extended funding for survivor support programs. While it did not drastically alter the self-petitioning mechanism, it emphasized the need for data collection and reporting on immigrant victimization and reinforced the scope of U Visa eligibility in relation to domestic violence incidents, offering survivors of certain crimes a path to lawful status when they cooperate with law enforcement.<sup>6</sup>

Beyond statutory evolution, case law has played a critical role in shaping the interpretation and application of VAWA. For instance, in *Matter of A-M-*, 25 I&N Dec. 66 (BIA 2009), the Board of Immigration Appeals (BIA) clarified the standard for establishing “extreme cruelty,” holding that abuse need not involve physical violence but may include threats, isolation, or emotional harm, thereby adopting a more survivor-centric framework. More recently, in *Perez v. Barr*, No. 19-60153 (5th Cir. 2020), the Fifth Circuit reaffirmed that even where a marriage may have ended in divorce, if the self-petitioner filed within two years and the divorce was “connected to the abuse,” they remained eligible under VAWA—an interpretation codified in 8 C.F.R. § 204.2(c)(1)(ii).<sup>7</sup>

Another important recent case is *Doe v. Mayorkas*, No. 20-cv-2850 (D.D.C. 2021), where the U.S. District Court addressed delays in adjudicating VAWA self-petitions, ordering USCIS to improve transparency and prioritize timely processing. The court emphasized that excessive delays in processing petitions—many of which involve applicants in danger—frustrate the humanitarian intent of VAWA and risk compounding the harm already suffered by survivors. The ruling strengthened calls for regulatory reform and case management improvements.<sup>8</sup>

Procedurally, self-petitioners must submit Form I-360 to USCIS along with documentation supporting their claim—such as affidavits, police or medical reports, photographs, or evidence of the abuser's status. While official documentation strengthens a petition, USCIS policy guidance recognizes that victims often lack formal evidence and allows “any credible evidence” to establish eligibility. Once approved, a self-petitioner may file Form I-485 for adjustment of status if an immigrant visa is available. Immediate relatives of U.S. citizens are not subject to annual visa limits, while spouses of LPRs may face backlogs under visa preference categories (F2A). Additionally, under 8 C.F.R. § 204.2(c)(6), a self-petitioner may seek deferred action, providing temporary relief from removal and eligibility for work authorization.

Despite the progressive legislative and judicial developments, challenges persist. Advocates note systemic issues such as inconsistent adjudication standards across USCIS field offices, language and literacy barriers, and a lack of legal representation. These concerns are exacerbated by hostile immigration enforcement climates, particularly under policies implemented in prior administrations, which discouraged reporting of abuse among undocumented populations. The chilling effect is particularly pronounced among survivors with children, as abusers often manipulate custody and immigration threats simultaneously to exert control.

In response, recent initiatives have sought to strengthen institutional coordination. For example, the Department of Homeland Security's Blue Campaign and USCIS's VAWA Unit have invested in community outreach and training of officers to improve trauma-informed adjudication. The introduction of the USCIS Policy Manual, Volume 3, Part D, Chapter 10 also provides officers with interpretive guidance that encourages a flexible, survivor-sensitive approach to evaluating abuse and credibility.

### **Eligibility and Legal Pathway**

The Violence Against Women Act (VAWA) offers a vital legal lifeline to noncitizen victims of domestic violence by allowing them to self-petition for lawful permanent residency without relying on their abuser. To qualify for this humanitarian relief under the Immigration and Nationality Act (INA) Section 204(a)(1)(A) and (B), a self-petitioner must meet a set of carefully defined eligibility criteria. These criteria are designed to ensure that the benefits of VAWA are extended only to those who are genuinely victimized and who maintain a connection with a qualifying U.S. citizen or lawful permanent resident (LPR). The eligibility requirements are nuanced and regulated under Title 8 of the Code of Federal Regulations, specifically 8 C.F.R. § 204.2(c). These include the demonstration of battery or extreme cruelty, proof of a qualifying relationship, cohabitation with the abuser, good moral character, the abuser's immigration status, and adherence to time limitations for filing.<sup>9</sup>

To begin with, a petitioner must establish that they were subjected to battery or extreme cruelty by a qualifying relative—defined as a U.S. citizen or LPR spouse, parent, or adult child. “Battery or extreme cruelty” encompasses a broad range of behaviors, not limited to physical violence. According to USCIS guidance and judicial interpretation, it includes emotional abuse, threats, psychological manipulation, sexual coercion, and isolation. In the Matter of A-M-, 25 I&N Dec. 66 (BIA 2009), the Board of Immigration Appeals clarified that nonphysical abuse such as intimidation, humiliation, and threats with immigration consequences can amount to extreme cruelty. This expanded interpretation reflects the intent of VAWA to respond to the real-world dynamics of domestic abuse, which often transcends physical acts.<sup>10</sup>

Secondly, the applicant must demonstrate a qualifying relationship with the abuser. For spouses, this means proving that the marriage was entered into in good faith, and not solely for immigration benefits. This requirement is codified in 8 C.F.R. § 204.2(c)(1)(ix), and supporting evidence typically includes joint financial records, affidavits from friends or clergy, photographs, and proof of shared residence. Importantly, even if the marriage has been legally terminated by divorce, the self-petitioner remains eligible to file for relief within two years of the divorce, provided that the termination was related to abuse. This is reinforced by 8 C.F.R. § 204.2(c)(2)(iv), which allows for retrospective validation of the relationship. In *Perez v. Barr*, No. 19-60153 (5th Cir. 2020), the court upheld that a divorce triggered by abuse did not

preclude a valid self-petition as long as the filing was timely and demonstrated a good faith relationship.<sup>11</sup>

Third, the petitioner must prove that they resided with the abuser at some point, although there is no specific duration requirement. This element is necessary to establish the shared domestic context in which the abuse occurred. Evidence such as leases, utility bills, and affidavits are commonly used to fulfill this requirement. USCIS policy emphasizes that minor discrepancies or periods of separation do not automatically disqualify a petition, especially if they occurred due to attempts to flee abuse.

The fourth critical requirement is that the petitioner must possess “good moral character.” This element, rooted in 8 U.S.C. § 1101(f), is evaluated based on criminal history, honesty in immigration proceedings, and general community conduct. Certain offenses may create a presumption of bad moral character, but waivers are available in cases where the offense was connected to abuse. For example, a victim convicted of assault while defending themselves from their abuser may still qualify if mitigating evidence is provided. The 2020 case of *Doe v. Mayorkas*, No. 20-cv-2850 (D.D.C. 2021), emphasized the need for adjudicators to take into account the broader context of abuse when determining moral character, including trauma responses and coercion by the abuser.<sup>12</sup>

Additionally, the petitioner must establish that the abuser held the appropriate immigration status—either as a U.S. citizen or LPR—at the time the abuse occurred. Evidence of this status may include birth certificates, naturalization documents, or green cards. In some cases, USCIS may be able to verify this status internally if documentation is not available, particularly if the abuser withheld such information as a means of control.<sup>13</sup>

Petitions must be filed within specific time constraints. If the relationship has ended due to divorce or the abuser's death, the petition must be submitted within two years of that event, as set forth in 8 C.F.R. § 204.2(c)(1)(i)(D). Additionally, in cases involving children, eligibility must be established before the child turns 21, although certain exceptions apply under the Child Status Protection Act if delays are due to USCIS processing times.

Once the Form I-360 VAWA petition is filed, the applicant receives significant legal safeguards. Under 8 U.S.C. § 1367(a)(2), USCIS is prohibited from disclosing any information about the self-petitioner to third parties, including the abuser, ensuring confidentiality throughout the adjudication process. Moreover, USCIS may issue a **prima facie determination notice**, a preliminary finding that the petitioner appears eligible for relief. While not an official approval, this notice can be used to access certain public benefits under federal and state programs and may enable the petitioner to apply for work authorization under 8 C.F.R. § 274a.12(c)(14).

If the I-360 petition is approved, the path to lawful permanent residency (green card) becomes viable. For immediate relatives of U.S. citizens, such as spouses or children under 21, visas are always available, allowing concurrent filing of Form I-485 (Application to Register Permanent Residence or Adjust Status). However, spouses and children of LPRs must wait for visa availability under the F2A category, which is subject to annual caps. This waiting period can range from months to years depending on the Department of State's Visa Bulletin. Once the adjustment of status is granted, the VAWA self-petitioner enjoys the same rights and

responsibilities as any other lawful permanent resident, including eligibility for naturalization after five years.

It is also important to highlight that VAWA self-petitioners may be eligible for additional forms of relief, such as cancellation of removal under INA § 240A(b)(2) if they are in removal proceedings. Cancellation requires showing ten years of continuous presence, good moral character, and that removal would cause extreme hardship to the applicant or their qualifying relatives. In the case of *In re G-Y-R-*, 23 I&N Dec. 181 (BIA 2001), the BIA discussed the intersection of VAWA and cancellation proceedings, confirming that survivors could use both pathways simultaneously to secure relief.<sup>14</sup>

## **Barriers to Access and Safety Considerations**

### **Fear and Misinformation**

Despite the protective intent of the Violence Against Women Act (VAWA), fear and misinformation continue to create significant barriers for immigrant survivors of domestic violence seeking relief. Many survivors remain unaware of their rights under U.S. immigration law, particularly the availability of VAWA self-petitions that allow them to escape abusive situations without depending on their citizen or lawful permanent resident (LPR) spouse or parent. This lack of knowledge is compounded by deep-seated fears of deportation, family separation, and potential retribution by their abuser. Abusers frequently manipulate immigration status as a tool of coercive control, threatening to contact U.S. Immigration and Customs Enforcement (ICE) or revoke pending immigration petitions if the survivor disobeys or attempts to seek help. The psychological manipulation often involves confiscation of documents such as passports, work permits, or visas, thereby leaving survivors both physically and legally immobilized. This climate of fear is exacerbated in mixed-status households where children may be U.S. citizens but their parent is undocumented or holds a precarious immigration status. Such threats are not idle; survivors understand the very real possibility of detention or deportation, which makes the option of remaining in an abusive relationship seem like a safer alternative. Studies published on platforms like *Frontiers in Psychology* and *Self.com* show that survivors are often told by their abusers that calling the police or seeking legal help will automatically result in their removal from the U.S., a threat that chills reporting and obstructs the pursuit of justice. Mistrust of law enforcement—particularly in immigrant communities with prior exposure to racial profiling or aggressive immigration enforcement—further discourages survivors from seeking help, despite existing legal protections under 8 U.S.C. § 1367, which prohibits immigration enforcement actions based on information obtained through domestic violence-related processes.<sup>15</sup>

### **Emotional, Financial, and Procedural Obstacles**

Beyond fear and misinformation, immigrant survivors face numerous emotional, financial, and procedural hurdles when pursuing relief under VAWA. The process of preparing a self-petition is both emotionally taxing and logistically demanding. Survivors are often required to provide extensive documentary evidence that they were subjected to “battery or extreme cruelty,” entered into a bona fide marriage (if applicable), cohabited with the abuser, and maintained good moral character. This typically includes police reports, medical records, psychological evaluations, witness affidavits, and photographs. For someone escaping an abusive household,

especially with limited English proficiency or social support, amassing such documentation can feel insurmountable. Furthermore, accessing legal assistance remains a formidable challenge. While VAWA does not require a petitioner to have legal representation, the complexity of immigration forms, evidentiary burdens, and the high stakes involved make professional guidance almost indispensable. However, immigration attorneys are expensive, and legal aid organizations are chronically underfunded and overburdened. Survivors without financial resources must often choose between paying for legal support and meeting basic needs such as food, housing, and transportation. Emotional obstacles also play a critical role; trauma from the abuse itself may impair memory, undermine confidence in self-advocacy, and make the retelling of traumatic experiences in affidavits and interviews a painful ordeal. The process of engaging with USCIS—a system viewed as intimidating or adversarial by many immigrants—may retraumatize survivors. Language barriers compound all of these issues. Navigating the legal system without translation services or culturally competent advocates can render even the most determined survivor powerless. The compounded effect of these logistical and emotional barriers discourages many eligible individuals from ever attempting to file a VAWA self-petition.<sup>16</sup>

### **Documentation Challenges**

A significant barrier to successful VAWA self-petitioning lies in obtaining sufficient documentation, especially regarding the abuser's immigration status. USCIS regulations under 8 C.F.R. § 204.2(c)(2)(ii) require proof that the abuser is a U.S. citizen or lawful permanent resident. Yet, in many abusive households, the abuser exercises control by withholding or destroying documents, or simply refusing to disclose immigration-related information. After separation or in cases involving non-marital relationships, access to such documentation becomes even more complicated. Nonetheless, USCIS allows alternative forms of evidence, including affidavits from friends, family, or clergy who may have personal knowledge of the abuser's status. Public records such as voter registration, property deeds, birth certificates, or court documents may also be used to establish citizenship or residency status. In some cases, USCIS officers can verify the abuser's status through internal immigration databases if sufficient identifying information (such as full name, date of birth, and address) is provided. However, many survivors do not know or remember such details due to the trauma endured during the abusive relationship. The use of creative legal strategies by experienced attorneys—such as subpoenaing family court records or obtaining documentation from third-party institutions—has proven essential in such scenarios. Nevertheless, for survivors without legal support, these evidentiary requirements remain a formidable challenge.<sup>17</sup>

### **Institutional Context and Effectiveness**

Despite these barriers, legal scholars, policymakers, and service providers consistently highlight VAWA's self-petition provisions as a crucial statutory intervention. The law's design reflects an understanding of the unique vulnerabilities faced by immigrant survivors, particularly the entanglement of legal status with intimate partner violence. By allowing noncitizens to apply for immigration relief independently of their abuser, VAWA effectively removes one of the most potent tools of coercion. Empirical research affirms that VAWA self-petitioning not only provides immediate legal relief but also contributes to long-term stability. According to studies published by organizations such as the National Sexual Violence Resource Center (NSVRC) and Boundless Immigration, survivors who successfully adjust their status

report higher levels of personal safety, economic independence, and access to healthcare and education for their children. Moreover, the availability of this relief fosters greater trust in law enforcement and the legal system, thereby increasing the likelihood that abuse will be reported and addressed. In the broader context, VAWA promotes the integration of survivors into society as contributing members, thereby fulfilling both humanitarian and national interests. Nonetheless, its effectiveness depends heavily on survivors' awareness of their rights and their ability to access legal representation and support services.<sup>18</sup>

### **Role of Service Providers and Advocacy**

Service providers play a pivotal role in bridging the gap between legal rights and practical access. Organizations such as the Tahirih Justice Center and Asian Pacific Institute on Gender-Based Violence offer comprehensive legal representation, case management, and trauma-informed advocacy tailored to the needs of immigrant survivors. These organizations also engage in policy reform efforts, aiming to remove systemic barriers and increase funding for survivor-centered programs. They conduct regular training for frontline professionals, including immigration attorneys, domestic violence advocates, medical practitioners, and judges, to promote cultural competency and legal literacy. Legal aid clinics—often embedded in community centers or faith-based institutions—serve as critical access points, particularly in regions where immigrants may otherwise remain isolated or afraid to come forward. These clinics help survivors understand their eligibility for VAWA relief and provide support in preparing affidavits, gathering evidence, and attending interviews with USCIS. Public education campaigns such as “We Belong Together” have raised awareness of the intersection between immigration policy and gender justice, advocating for reforms that protect immigrant families from separation and provide pathways to citizenship. These campaigns emphasize that safety and dignity should not be contingent upon one's immigration status. By humanizing the experiences of survivors and mobilizing public support, such advocacy helps shift policy conversations toward more inclusive and equitable solutions. Ultimately, the success of VAWA self-petitioning rests not only on statutory provisions but also on the infrastructure of support that enables survivors to exercise their rights. As the landscape of immigration law continues to evolve, sustained investment in community-based services and systemic advocacy will be essential in ensuring that the promise of VAWA becomes a lived reality for all who need it.<sup>19</sup>

### **Institutional Context and Effectiveness**

The Violence Against Women Act (VAWA) occupies a unique and powerful space within the intersection of immigration and domestic violence law, particularly through its self-petitioning provisions. By allowing abused immigrants to seek lawful permanent residency independently of their abuser, VAWA breaks a dangerous cycle of dependency, manipulation, and fear. Legal scholars consistently recognize this decoupling of immigration status from the abuser's control as a revolutionary step in safeguarding the human rights and personal autonomy of noncitizen survivors. Prior to VAWA's enactment in 1994, abused immigrants faced a dire choice: remain silent and endure abuse, or leave the relationship and risk deportation. The structure of family-based immigration had effectively placed immigration status in the hands of the abuser, weaponizing it against the survivor. VAWA fundamentally altered this dynamic by establishing a legal mechanism that acknowledges the power imbalance in abusive relationships and provides a confidential pathway to safety and status.<sup>20</sup>



Empirical studies have confirmed the efficacy of VAWA self-petitions in fostering long-term safety, economic stability, and mental well-being among survivors. According to data collected by the National Network to End Domestic Violence and the Tahirih Justice Center, survivors who are granted lawful permanent residency through VAWA report not only enhanced personal safety but also improved outcomes for their children. With the ability to work legally, access public benefits, and pursue education, survivors gain independence and reintegrate into society as contributing members. Importantly, VAWA protections extend beyond physical safety to include holistic recovery. This includes trauma-informed support services such as counseling, legal aid, and transitional housing, which are often offered in partnership with community-based organizations. These resources help restore a sense of agency that abuse has eroded.<sup>21</sup>

VAWA's effectiveness also lies in its ability to foster trust in U.S. institutions—a particularly significant factor for immigrant populations that may be wary of governmental systems due to experiences of systemic discrimination or over-policing. By creating a survivor-centered legal remedy, VAWA positions the legal system as a source of protection rather than punishment. This shift in perception is critical for increasing the willingness of survivors to report abuse, participate in legal proceedings, and seek law enforcement assistance. The confidentiality provisions under 8 U.S.C. § 1367 reinforce this trust by ensuring that information shared in VAWA petitions cannot be used for immigration enforcement purposes. As a result, survivors are more likely to seek help without fear of deportation or retaliation. The law thus functions not only as a legal instrument but also as a public health and safety tool, enabling broader community protection and deterrence of abuse.<sup>22</sup>

However, the effectiveness of VAWA also depends heavily on access—access to information, legal representation, and institutional support. While the statutory framework is robust, disparities in access to justice persist, particularly in rural or underserved areas. Continued investment in culturally competent legal aid, public education campaigns, and cross-sector partnerships is essential to ensure that the rights afforded by VAWA translate into tangible outcomes for all survivors, regardless of socioeconomic or immigration status. Through such comprehensive institutional engagement, VAWA remains a cornerstone of humane and responsive immigration policy.<sup>23</sup>

### **Policy Recommendations**

To enhance the effectiveness of the Violence Against Women Act (VAWA) and ensure equitable access to its protections for immigrant survivors of domestic violence, targeted policy interventions are essential. These reforms must address systemic, procedural, and informational barriers that hinder vulnerable individuals from securing timely and meaningful relief under the law. Below are key policy recommendations elaborated with a focus on practical impact and legal feasibility.

- **Expand Outreach and Education:** One of the most persistent challenges facing immigrant survivors is a lack of awareness about their rights under VAWA and the available mechanisms for protection. Fear of deportation, language barriers, and misinformation—often perpetuated by abusers—prevent many survivors from seeking help. Outreach must be amplified by forming strategic partnerships with community organizations, religious institutions, healthcare providers, and advocacy groups that already have the trust of immigrant populations. These partners can disseminate

culturally sensitive, multilingual information through workshops, clinics, and media campaigns. Efforts should also be directed at educating survivors about confidentiality protections under 8 U.S.C. § 1367, reassuring them that seeking help will not trigger immigration enforcement.

- **Strengthen Legal Assistance:** The VAWA self-petition process is complex and often requires significant legal knowledge and documentation. Many survivors cannot afford private legal representation and rely on non-profit legal aid or pro bono attorneys. Increased federal and state funding must be directed toward non-profit organizations that provide free legal services to immigrant survivors. Grants under the Legal Services Corporation (LSC) and VAWA funding streams should prioritize services for vulnerable populations, ensuring survivors are guided through not only the Form I-360 process but also subsequent steps like adjustment of status, work authorization, and appeals. These resources are critical for ensuring due process and preventing unjust denials.
- **Simplify Evidence Standards:** USCIS should expand acceptance of a wider range of credible evidence to establish abuse, good moral character, and relationship requirements. Current evidentiary burdens—such as police reports, medical records, or restraining orders—can be hard to produce, particularly if the survivor never reported the abuse. Affidavits from neighbors, clergy, teachers, and mental health professionals should be given significant weight. Moreover, USCIS should strengthen internal verification mechanisms (e.g., accessing public records or abuser status databases) to relieve survivors of the burden of proving the abuser's citizenship or LPR status.
- **Improve Multi-Agency Coordination:** An integrated, survivor-centered approach is crucial. Immigration policy should work in tandem with social services, healthcare, and law enforcement agencies to ensure comprehensive, trauma-informed support. This includes embedding domestic violence advocates in USCIS offices, expanding access to emergency shelters for undocumented survivors, and ensuring that Immigration and Customs Enforcement (ICE) adheres to sensitive location policies—particularly at courthouses and domestic violence shelters—to prevent chilling effects on survivor participation.
- **Monitor Timely Adjudication:** Delays in adjudication of VAWA petitions prolong a survivor's vulnerability and exposure to harm. USCIS must commit to transparent tracking and regular reporting of VAWA-related case processing times. Introducing expedited review options for high-risk cases can also reduce the period of legal uncertainty and emotional distress.
- **Address Backlog Inequities:** Finally, Congress and USCIS should address the visa backlog disproportionately affecting survivors married to lawful permanent residents. This backlog forces survivors to wait for years before adjusting their status, keeping them in limbo. Temporary relief mechanisms—such as deferred action, parole-in-place, or interim work permits—should be considered for such cases, acknowledging the urgency and humanitarian nature of VAWA protections.

## **Conclusion**

The intersection of family-based immigration and domestic violence underscores a troubling paradox wherein the very system designed to unify families can be manipulated to perpetuate abuse and control. The Violence Against Women Act (VAWA) emerged as a critical corrective

to this injustice, offering a self-petitioning mechanism that empowers immigrant survivors to escape abusive relationships without sacrificing their path to lawful immigration status. As this paper has demonstrated, VAWA's legislative framework—through provisions like Form I-360, confidentiality under 8 U.S.C. § 1367, and subsequent access to permanent residency—has proven instrumental in dismantling power imbalances that place survivors in peril. Over the years, legislative amendments and agency interpretations have expanded these protections, responding to evolving understandings of abuse, coercion, and immigrant vulnerabilities.

However, despite its groundbreaking nature, VAWA's promise remains out of reach for many due to systemic barriers such as lack of legal assistance, misinformation, evidentiary challenges, and prolonged adjudication timelines. Survivors from marginalized backgrounds—those with limited English proficiency, financial insecurity, or fear of state institutions—face compounded disadvantages that inhibit their ability to access VAWA's protections. Addressing these challenges requires a concerted policy response that includes enhancing outreach, streamlining documentation requirements, increasing funding for legal aid, and ensuring USCIS accountability in timely processing. Furthermore, community-based advocacy and institutional support are pivotal in translating legal entitlements into real-world safety and justice. While VAWA represents a landmark legal remedy within U.S. immigration and domestic violence jurisprudence, its full effectiveness is contingent on how well institutions respond to the lived realities of survivors. Continued reforms—legal, procedural, and social—are imperative to uphold the core promise of VAWA: that no individual should be forced to choose between safety and legal status. Empowering survivors through equitable access to immigration relief is not only a matter of policy but a profound affirmation of human dignity and justice.

---

## References

- 1 Abrams, K. (2020). Immigration law and the regulation of marriage. *Minnesota Law Review*, 103(3), 1381–1432.
- 2 Battered Women's Justice Project. (2021). Barriers immigrant survivors face under current immigration laws. *Journal of Gender, Social Policy & the Law*, 29(2), 275–310.
- 3 Bhuyan, R. (2020). Transforming public institutions: VAWA and immigrant survivors of violence. *Violence Against Women*, 26(1), 68–90. <https://doi.org/10.1177/1077801219847715>
- 4 Blackwell, A. G., & Sessions, A. (2021). Legal violence in the lives of immigrants: How immigration enforcement affects family and community well-being. *Harvard Latino Law Review*, 24, 1–24.
- 5 Campi, A. M. (2022). Immigrant survivors of domestic violence and access to VAWA protections. *Georgetown Immigration Law Journal*, 36(1), 35–61.
- 6 Cummings, M. C. (2020). The weaponization of immigration status in domestic violence contexts. *Yale Journal of Law & Feminism*, 31(2), 281–315.
- 7 Denvir, A. (2022). Legal liminality: The structural vulnerabilities of immigrant survivors. *California Law Review*, 111(4), 1093–1127.
- 8 Erez, E., & Hartley, C. C. (2021). Immigration, domestic violence, and law enforcement: The challenges of providing protection. *Criminal Justice Policy Review*, 32(2), 167–188. <https://doi.org/10.1177/0887403419886204>

- 9 Glick, J. E., & Lin, J. (2022). Domestic abuse and legal status: Understanding the role of VAWA self-petitions in immigrant women's lives. *Sociological Perspectives*, 66(2), 215–237.
- 10 Gonzalez-Barrera, A. (2020). Immigrant women's access to justice under VAWA: Between protection and exclusion. *Journal of Interpersonal Violence*, 35(21–22), 4492–4516.
- 11 Goodmark, L. (2020). Should domestic violence be decriminalized? Reimagining intervention in intimate partner abuse. *Berkeley Journal of Gender, Law & Justice*, 35(2), 1–45.
- 12 Hines, D. A., & Douglas, E. M. (2021). Coercive control and immigration status: Implications for immigrant survivors. *Journal of Family Violence*, 36(2), 203–216.
- 13 Jasani, S. (2022). VAWA's promise: Securing autonomy through immigration relief. *Columbia Journal of Gender and Law*, 43(1), 103–135.
- 14 Johnson, K. R. (2020). The racial implications of immigration policy and domestic violence law. *Nevada Law Journal*, 20(3), 543–567.
- 15 Kim, M. E. (2021). Intersectionality and immigration: The compounded vulnerability of undocumented survivors. *Feminist Criminology*, 16(3), 268–288.
- 16 Menjivar, C. (2021). Liminal legality and domestic abuse: Immigration enforcement and its chilling effects. *American Behavioral Scientist*, 65(9), 1219–1235.
- 17 Patel, N. (2020). From dependency to autonomy: VAWA and the legal construction of immigrant womanhood. *Harvard Journal of Law & Gender*, 43, 211–248.
- 18 Rodriguez, M. A., & Valentine, J. M. (2022). Cultural and systemic barriers to VAWA self-petitions among Latina survivors. *Journal of Family Studies*, 29(1), 95–112.
- 19 Roldan, J. M. (2020). Visa violence: Immigration sponsorship and domestic abuse. *Duke Journal of Gender Law & Policy*, 27(2), 71–98.
- 20 Saito, N. T. (2021). Deportation as domestic violence: The intersectionality of legal status and abuse. *Seattle Journal for Social Justice*, 19(2), 115–143.
- 21 Smith, B. E. (2022). Abusive migration tactics: A new form of coercive control. *Violence Against Women*, 28(1), 3–27.
- 22 Thronson, D. B. (2020). The role of children's rights in immigration adjudication. *NYU Review of Law & Social Change*, 44, 197–227.
- 23 Williams, C. J. (2022). Delays and denials: Barriers in VAWA petition processing. *Administrative Law Review*, 75(1), 89–114.