



A Division of the New York Legal Assistance Group

**LegalHealth**  
Professional Partnership to Promote Well Being

*This is general information, not legal advice. Patients should consult an attorney for specific guidance.*

## Immigration Relief for Domestic Violence Victims

**Under U.S. and New York law, any victim—regardless of immigration or citizenship status—can call the police for help, obtain an order of protection, file for divorce, petition for child custody, or request child support.**

**Undocumented victims of domestic violence or child abuse may also be eligible for various kinds of immigration relief. All immigration remedies are available to victims of any gender or sexual orientation.**

### Violence Against Women Act (VAWA)

- ◆ Patient is a victim of domestic violence (physical, emotional, psychological, sexual, financial, etc.) committed by a U.S. citizen or Lawful Permanent Resident (green card holder);
- ◆ Patient is married to or recently divorced (within 2 years) from the abuser or patient is the child of an abusive parent or parent of an abusive adult child; and
- ◆ Patient lives with abuser or lived with the abuser in the past.

### U Visa

- ◆ Patient is a victim of a serious crime (domestic violence, rape, sexual assault, physical assault, etc.) and suffered severe physical or emotional harm; and
- ◆ Patient helped a law enforcement agency with the investigation or prosecution of the crime (although an arrest or conviction is not necessary).
- ◆ Patient does not have to be married to the perpetrator; perpetrator can also be undocumented.

### Special Immigrant Juvenile Status

- ◆ Patient is under 21 and unmarried;
- ◆ Patient cannot be reunited with one (or both) of their parents due to abuse, abandonment, neglect, or similar basis; and
- ◆ It would not be in the patient's best interest to return to their home country.

### Asylum or Withholding of Removal

Asylum and withholding are very complicated forms of relief, but some patients may qualify if:

- ◆ Patient was a victim of severe domestic violence in their home country (severe physical or sexual assault, rape, etc.) or fears that they will be subjected to severe domestic violence if they return.
- ◆ Authorities in the home country cannot or will not protect victims of domestic violence.

⇒ *Domestic violence victims may also qualify for other forms of immigration relief such as DACA, other family-based green cards, Temporary Protected Status, or T visas for trafficking victims.*

⇒ *Patients should not submit any applications to immigration without discussing their case with an attorney.*

**Questions? Have patients who fall into any of these categories?  
Refer patients for an appointment with a LegalHealth attorney for  
additional screening**