

## Protections For Vulnerable Immigrants

- VAWA Self-Petition
  - Avenue to obtain LPR status for non-citizen married to abusive U.S. citizen or lawful permanent resident
- U Visa
  - Avenue to obtain LPR status for non-citizen victims of crimes.
- T Visa
  - Avenue to obtain LPR status for non-citizen victims of trafficking.

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## Additional Protections

- I-751 Waiver
  - Avenue for conditional lawful permanent residents to self-petition for permanent status if abused.
- Asylum
  - Avenue for individuals who can not return to their home country due to persecution to obtain lawful status.
- Special Immigrant Juvenile Status
  - Avenue for children under 21 in state custody (DCF) to obtain lawful permanent residence

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## VAWA Self Petition

- Spouse or child must show:
  - Subject to extreme cruelty/battered by abusive U.S. citizen or LPR spouse or parent;
  - Resided with an abuser;
  - Was battered or subject to extreme cruelty;
  - During the marriage (for spouse cases);
  - Marriage entered into in good faith; and
  - Has good moral character.

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## U Visa

- Also known as the Crimes Victims Visa
- Applicants must prove:
  - Victim of a designated crime; and
  - Victim possesses information about the crime
  - Is or is likely to be helpful in investigating or prosecuting a crime; and
  - Obtains certification from law enforcement.

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## U Visa: Designated crimes

A person who has suffered substantial physical or mental abuse as a victim of following U.S. crime:

- Rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genitalia mutilation, being held hostage, peonage, invol. Servitude, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, conspiracy, kidnapping, abduction.

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## T Visa

- For victims of sex or labor trafficking.
- Applicant must prove:
  - Victim of severe form of trafficking; and
  - Has complied with any reasonable request for assistance in the investigation or prosecution of trafficking; or
  - Has not yet turned 15 yrs old.

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## T Visa: Severe Form of Trafficking

- (A) Sex Trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person is under 18 years of age. or
- (B) The recruitment , harboring transportation, provision or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

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## Additional Protections

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## I-751 Waiver

Conditional Permanent Resident may self-petition to become LPR if she can prove:

- 1) Good faith marriage to abuser or
- 2) Battery or extreme cruelty to self or child or
- 3) Extreme hardship to self or child if she is removed from U.S.

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## Asylum

A person in the United States may petition for asylum status, if granted, one may apply for lawful permanent resident status one year later.

- Must file asylum petition within one year of entering U.S. except under 'extraordinary circumstances'
  - Inability of individual to file or
  - changed country conditions

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## Asylum (cont)

- Refugee (definition)
- Person outside the country of their nationality
- Unable to avail themselves of the protection of that country because of:
  - Persecution or a well-founded fear of persecution
  - "on account of"
  - Race, religion, nationality, membership in a particular social group or political opinion

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## Special Immigrant Juvenile Status (SIJS)

Child must be unmarried and under 21 years old

- Requirements:
  - A juvenile court order for child to be a dependant of the court or in the custody of the state
  - A juvenile court order court order that the child be deemed eligible for long term foster care due to abuse, neglect or abandonment.

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## Special Immigrant Juvenile Status (SIJS)

### Requirements (cont):

- Court finding that reunification with the parent(s) is not a viable option
- Court finding that it is not in the child's best interest to return to his or her country or origin or country where parent(s) reside.

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## Immigration Resources - National

- ASISTA: [www.asistaonline.org](http://www.asistaonline.org)
- Legal Momentum, Immigrant Women's Project  
– <http://legalmomentum.org>; tel. 202-326-0040
- The National Immigration Project, Boston, MA  
– [www.immigrantdefenseproject.org](http://www.immigrantdefenseproject.org); tel. 718-858-9658
- The EOIR website provides a list of pro bono immigration legal resources across the country:  
– [www.usdoj.gov/eoir/probono/status.htm](http://www.usdoj.gov/eoir/probono/status.htm)

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## Immigration Resources -

- Catholic Legal Immigration Network, Inc. (CLINIC):  
[www.cliniclegal.org](http://www.cliniclegal.org)
- Immigration Advocates Network:  
[www.immigrationadvocates.org](http://www.immigrationadvocates.org)

### VERMONT

- South Royalton Legal Clinic, P.O. Box 117, South Royalton, VT 05068 (802)-831-1500
- Vermont Immigration and Asylum Associates, 241 N. Winooski Ave. Burlington, VT 05401 802-864-3200

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