

LEGAL PROTECTIONS FOR IMMIGRANT SURVIVORS OF GENDER-BASED VIOLENCE

United States law provides immigrant survivors of [gender-based violence](#) with several pathways to achieve legal residence. Legal residence can be important for survivors to be able to break free from violence. Experts in these areas of immigration law help survivors of violence decide whether to apply and, where possible, provide representation.

Asylum

Asylum law offers protection to individuals who are fleeing persecution and cannot find safety in their country of nationality. A person must apply within one year of entering the U.S. unless she fits limited exceptions. The law governing who qualifies for asylum is complex and dynamic, including as it relates to survivors of gender-based violence. Asylum has been granted to people who have experienced or fear female genital mutilation/cutting, domestic violence, sexual assault, forced marriage, and trafficking, among other harm.

Violence Against Women Act (VAWA) Self-Petitions

When a person experiences domestic violence at the hands of a “green card” holding or U.S. citizen spouse or parent who could sponsor her but chooses not to, she can apply for residency on her own. Congress created the VAWA self-petition because it recognized that abusers often use their victims’ lack of immigration status as a tool to reinforce harmful dynamics of power and control. Despite its name, this form of relief is available to individuals of any gender.

T Visas

Individuals who have been trafficked into the U.S. may qualify for T visas. T visas allow survivors of human trafficking and their immediate family members to work and live in the U.S. for four years, after which they may apply for a green card. Law enforcement may ask the survivor to cooperate in the prosecution or investigation of the traffickers, but this is not a requirement to receiving the visa if the applicant is a minor, the request is not reasonable, or the survivor has experienced trauma that prevents them from complying.

U Visas

Victims of certain serious crimes that took place on U.S. soil who assist law enforcement in the investigation or prosecution of the crime are eligible for the U visa. A government agency must confirm the victim’s cooperation on a signed form. Survivors of gender-based violence may qualify for this form of relief. The U.S. has an annual cap of 10,000 available U visas per year, but more than 30,000 applications have been received yearly since 2015.

Special Immigrant Juvenile Status

Immigrants in the U.S. who are under the age of 21 and have been abused, neglected, or abandoned by one or both their parents may be eligible for Special Immigration Juvenile Status. This form of relief allows the child to apply for permanent residence in the U.S.

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