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# Beyond DAPA And DACA: Is Another Immigration Benefit Available To You?

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## **Do you have a U.S. citizen (USC) spouse, parent, son or daughter? Or a lawful permanent resident (LPR) spouse, parent, son or daughter who may naturalize?**

If you have a USC spouse, parent or adult son or daughter, your relative may file an immigrant visa petition for you. If the petition is approved you would be considered an "immediate relative." Immediate relatives are not subject to the long waiting periods that apply to other types of immigrants. If your LPR spouse, parent, or adult son or daughter naturalizes and then petitions for you after becoming a USC, you will also be in the "immediate relative" category.

YES, this may apply to me.

## **Do you have a spouse, parent, son or daughter who is or was in the armed forces?**

If you are the spouse, parent, son or daughter of someone on active duty in the military, or a veteran, you may be eligible for an immigration benefit known as "parole in place." If you are approved for this benefit, you qualify for employment authorization and you may also be able to apply for lawful permanent residency without having to travel abroad to a U.S. Consulate in your home country.

YES, this may apply to me.

## **Have you, or a close family member, been the victim of a crime?**

If you have been the victim of a crime, or are the spouse, parent, son or daughter or sibling of a crime victim, you may be eligible for a "U visa," a status for certain crime victims and their close family members. Only certain crimes are covered and the crime victim must have been helpful in the investigation or prosecution of the crime, and show that she or he suffered physical or mental abuse as the result of being a crime victim.

YES, this may apply to me.

## **Did you flee persecution in your home country or are you afraid of returning to your home country?**

If you fled persecution in your home country or you are afraid of returning to your home country, you may be eligible for asylum. To qualify for asylum you must show that you were seriously harmed or you fear future serious harm by others because of your race, religion, national origin, political opinion, or your membership in a particular social group. You must also be able to show that you are unable or unwilling to return to your home country because of the persecution. If you qualify for asylum you may also apply for employment authorization. If you are granted asylum you may apply for permanent resident status after one year.

YES, this may apply to me.

## **Have you been abused by a USC or LPR spouse or parent? Have you been abused by an adult USC son or daughter?**

If you have been abused by a USC or LPR spouse, parent or adult son or daughter, you may be eligible to file a "VAWA self-petition." Abuse may be physical or psychological. If you qualify for VAWA you may file a petition for yourself rather than rely on your abusive family member to file the petition on your behalf. If you are approved for VAWA, you qualify for employment authorization. Those who are approved for VAWA may also be eligible to apply for lawful permanent residency.

YES, this may apply to me.

## **Were either of your parents U.S. citizens at the time of your birth?**

If one or both of your parents was a U.S. citizen at the time you were born then you may already be a U.S. citizen through "acquisition of citizenship." To determine if you qualify, you will need information about whether your parents were married at the time you were born, and how long your U.S. citizen parent lived in the U.S. before your birth abroad.

YES, this may apply to me.

Resource updated 3/4/16

**Are you under age 18 and someone who has been abused, abandoned or neglected by at least one parent?**

If you are under 18 and you have been abused, abandoned or neglected by at least one parent you may be eligible for Special Immigrant Juvenile Status (SIJS). A state court must make the determination that you have been abandoned, abused or neglected by at least one parent and that you cannot be reunited with that parent. The court must also decide that it is not in your best interest to return to your home country. If you meet all the requirements, you may apply for SIJS, lawful permanent residency, and work authorization at the same time.

YES, this may apply to me.

**Are you from one of the following countries?**

If you are from one of the following countries and you meet some additional requirements, you may be eligible for one of these types of relief:

*Are you from El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, Sudan, South Sudan, Syria or Yemen?*

If you were in the U.S. on a certain date and you continued to live in the U.S., you may qualify for Temporary Protected Status (TPS). TPS allows you to live and work in the U.S. temporarily, but it does not allow you to become a lawful permanent resident.

YES, this may apply to me.

*Are you from Guatemala or El Salvador?*

Depending on when you first entered the U.S. you could qualify for NACARA relief for Central Americans. Those who qualify may then be eligible to become lawful permanent residents. This applies to:

- Guatemalans who first entered the U.S. on or before October 1, 1990; registered for ABC Settlement benefits on or before December 31, 1991; applied for asylum on or before January 3, 1995; and were not apprehended at time of entry after December 19, 1990.
- A Salvadoran who first entered the United States on or before September 19, 1990; registered for ABC Settlement benefits on or before October 31, 1991; applied for asylum on or before February 16, 1996; and was not apprehended at time of entry after December 19, 1990.
- Guatemalans or Salvadorans who filed an application for asylum on or before April 1, 1990 and have not received a final decision on the asylum application.

YES, this may apply to me.

*Are you are a Cuban citizen, or you are the child or spouse of a Cuban citizen?*

You may qualify for Cuban Adjustment. If you were admitted or paroled into the U.S. and you have been in the U.S. for at least a year, you may be able to get lawful permanent residency through this process.

YES, this may apply to me.

**If you marked yes to any of the above questions, you should talk to a licensed immigration attorney or BIA accredited representative for more information.**

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