

Violence Against Women Act Preliminary Self-Petitioning Screening Sheet

If you have a client who does not already have legal immigration status, s/he may petition for an immigration visa if s/he answers **each** of the following questions "yes."

- ___ Has s/he (or her/his children) been abused? Did abuser:
- ___ Threaten to beat or terrorize her?
 - ___ Hit, punch, slap, kick, hurt, emotionally abuse her?
 - ___ Force her to have sex against her will?
 - ___ Threaten to take or hurt her children?
 - ___ Threaten to turn her into USCIS
 - ___ Control where she went, what she could do, who she could see?
 - ___ Engage in pattern of behaviors that together threatened violence?
- ___ Was s/he (or her/his children) abused by a U.S. citizen or Permanent Resident (green card holder)? (Answer "yes" if a Permanent Resident was deported within two years before the self-petition is filed because of the abuse, or if a U.S. citizen abuser died within two years before the self-petition is filed.)
- ___ Was s/he the spouse, child (or parent) of the abuser according to the following definitions?
- Spouse
 - Currently married, **OR**
 - Divorced within past 2 years because of abuse, **OR**
 - Marriage invalid due to abuser's failure to terminate prior or concurrent marriage, and client unaware of other marriage.
 - Child
 - Unmarried
 - Under 21 at time of filing [or under 25 if delay due to abuse]
 - Recognized as "child" by INS (child born in wedlock, and certain adopted children, step-children and children born out of wedlock)
 - Parent (of adult US citizen)
- ___ Did s/he live with abuser at some time during the marriage (If child, a visit is sufficient)?
- ___ Does s/he live in the U.S.? (This may be answered "yes" if client lives outside U.S. if the qualifying abuse took place in U.S., or if the qualifying abuser is a U.S. employee)
- ___ Did the abuse occur during the marriage (if client is spouse) or during residence with abusive parent (if client is child)?
- ___ Does s/he have "good moral character?" (If s/he checks any of the statements on the "red flag" checklist on reverse s/he must see an immigration expert before s/he can answer this question.)
- ___ Did s/he marry the abusive spouse in "good faith?" (If s/he married in order to get a green card, this question cannot be answered "yes.")

PRELIMINARY SCREENING FOR U VISA ELIGIBILITY

- Is client a victim of a crime in the U.S.?
- Is the crime one of the following? Rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, hostage taking, peonage, involuntary servitude, slave trade, kidnapping, abduction, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, attempt, conspiracy, or solicitation to commit any of the above-listed crimes, or any similar activity in violation of federal, state or local criminal law.
- Has the client suffered substantial physical or mental abuse due to the crime?
- Has or will the client helped prosecute the perpetrator?
- Helped investigation
- Helped with prosecution
- Will help investigation
- Will help prosecution
- Will law enforcement agency *certify* that the victim has helped or will help?

U Visa

<u>Name</u> of crime + Penal Code §	<u>Date</u> of crime	<u>City/County</u> to request cert? and <u>PD</u> or <u>DA</u> ?	<u>Result</u> : Perpetrator arrested? Perpetrator charged? Perpetrator convicted? Substantial Abuse? (give dates and details for all)
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- **Helpfulness:**

Did (s)he talk with the police? Y N

Did (s)he have interactions with police or DA post-date of report? Y N

Does the report say (s)he did *not* want to charge? Y N

Did (s)he refuse to testify or otherwise help with prosecution? Y N

Can he/she show that she is a good person who would suffer hardship if she leaves the US?