

Immigration Newsletter



SCHWAMKRUG, FRESHWATER & LOPEZ, PLLC

100 N. Central Expressway, Suite 411

Richardson, TX 75080

(972) 865-9902

www.dfwvisa.com

January 2014 Volume 4

In this Edition:

- ❖ **The Violence Against Women Act (VAWA)**

Happy New Year!

VAWA

For the next three months our newsletter will focus on immigration options for persons who have been victims of crime or abuse. This will be a three part series that includes information about VAWA, U visas, and T visas.

VAWA was enacted by Congress to protect women and men who are in abusive relationships and may at a disadvantage in these relationships because of their lack of immigration status. VAWA was created so that victims of domestic violence would be able to apply for lawful immigration status, without depending on their abusive spouses to help them.

COMMON LAW MARRIAGE IN TEXAS

Texas does recognize common law marriages as valid marriages. To qualify as a common law marriage the relationship must meet the following requirements.

- The parties must agree to be married;
- They must live together as husband and wife; and
- They must represent to others that they are married. This can include signing a mortgage or credit card application together as husband and wife, filing taxes as married, or holding themselves out to family and friends as married.

WHO QUALIFIES TO APPLY FOR VAWA?*

- The applicant must be married to the abusive spouse at the time the VAWA petition is filed.
- The abuser must be a U.S. citizen or Lawful Permanent Resident.
- The marriage must have been entered into in good faith (not for the purpose of obtaining immigration benefits).
- The applicant must have been the victim of violence or extreme cruelty.

• The applicant must have good moral character.

- The applicant must be a person whose deportation would result in extreme hardship to the applicant or the applicant's child.

HOW DO I APPLY?*

- Submit Form I-360.
- Submit documentary evidence that you meet the VAWA requirements.

WHAT ARE THE BENEFITS?*

- If your application is granted, you will be eligible for a work permit.

• If your application is granted, you will receive deferred action, which means that the U.S. Department of Homeland Security will not deport you while you are in this status.

- After your application is approved, if you are eligible, you may apply for lawful permanent resident status (i.e. your green card).*

*** The requirements for both VAWA and permanent resident status are complicated. Please see an attorney about your particular situation to discuss whether you are eligible.***