

Congress Considers Reauthorization of the Violence Against Women Act



By Jerry Grzeca and John Sesini
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There are many controversial laws and policies within US immigration laws. Among the least controversial, however, are those laws that protect the victims of domestic violence. Many of those provisions first became law through 1994's Violence Against Women Act (VAWA). And the US Congress is now considering reauthorizing that law for the third time.

Here, it is important to note that the immigration benefits offered to immigrant victims have been permanently added to US immigration laws. Many of VAWA's additional programs and services, though, are subject to regular reauthorization. These programs include all manner of support for the victims of family violence. The current bill would not only reauthorize those programs, but it would actually expand protections for the victims of domestic violence and other crimes. But what exactly are those protections?

Perhaps the most significant (and permanent) protection that VAWA added to the nation's immigration laws is the right of battered or abused spouse of U.S. citizens or Lawful Permanent Residents (LPRs) to apply for lawful permanent residence without the support of their abusive spouse. And this right is available not only to the victims themselves, but this also allows for the victim to apply for their children as well.

Applicants for such benefits do not need to remain married, but must petition for themselves within two years of divorce. This petition and all of its contents are kept strictly

confidential and are reviewed by specialized adjudicators at a processing center in Vermont.

And domestic violence means more than just physical abuse. It includes psychological and emotional abuse as well. For those who are already in a vulnerable immigration position, this often includes the threats to call immigration authorities or have the victim and his or her family deported.

VAWA protections extend beyond spouses of U.S. citizens and LPRs. VAWA provides protections for abused children of U.S. citizen or lawful permanent residents, including step-children. Additionally, abused parents of U.S. citizens also qualify for benefits under VAWA.

VAWA also added an important defense to deportation for the victims of battery or "extreme cruelty" in domestic relationships. Through this law, called special-rule cancellation of removal, victims can ultimately become lawful permanent residents by showing that they would suffer extreme hardship if they were forced to return to their native country. For many immigrants, trapped in abusive relationships but fearful of being deported if they leave the relationship, these two benefits are critical and empowering protections.

The benefits of VAWA are only some of the protections offered to the victims of crimes in the United States. But for any such protection the victims of crimes should cooperate with law enforcement and quickly seek experienced immigration assistance. Above all, though, victims should understand that they need not choose between abuse and their immigration status.

For more information about the renewal of VAWA, or any of the laws that protect victims of crimes, or for information on any other immigration matter, please contact Grzeca Law Group at (414) 342-3000 or visit our website at www.grzecalaw.com.

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