



Fact Sheet on VAWA, T Visas and U Visas

Congress first acknowledged the precarious position of immigrant victims of crime in 1994 with the passage of the Violence Against Women Act (VAWA). The bill specifically focused on victims of domestic abuse, who were often forced to choose between reporting the crime to law enforcement—risking loss of possible legal status and possible deportation—and remaining with their abusers. The original 1994 version of VAWA created a pathway for domestic abuse victims to achieve permanent legal status, and subsequent reauthorizations of the bill expanded protections to victims of trafficking and other crimes through the creation of U visas and T visas. The objective of these visa programs is to provide protections to victims of crime and assist law enforcement officers in criminal investigations.

The following factsheet provides an overview of the legislative history of each program, who is eligible for them, how they apply, and how the program has been implemented to date.

VAWA Self-Petition:

The original Violence Against Women Act, which was enacted as part of the [Violent Crime Control and Law Enforcement Act of 1994](#), sought to crack down on violent crime, particularly against women, with a focus on sexual assault and domestic abuse. The bill enhanced sentencing guidelines for sexual offenders and authorized grants to local law enforcement to improve the prosecution of crimes against women, among other provisions. Notably, the bill also recognized the precarious position of immigrant women who were dependent on an abusive U.S. citizen or permanent resident spouses in petitioning for permanent residency.¹ Acknowledging that women in such a position might be unlikely to report crimes to law enforcement, VAWA created a new provision in the Immigration and Nationality Act to allow victims of domestic abuse and their children to instead self-petition for permanent resident status and stay deportation.

VAWA self-petitions are open to both male and female victims of domestic abuse and can also be submitted by the children or parents of an abuser, provided they have experienced “battery or extreme cruelty” on the part of their U.S. citizen or permanent resident parent or child. However, this immigration relief remains fairly narrow in scope: only those with an abusive U.S. citizen or permanent resident spouse, parent or child are [eligible to apply](#). Those seeking to apply must submit Form I-360, along with

¹ Family-based petitions are the most common pathway to permanent residency for immigrants, including those without legal status in the U.S. Under this system, immigrants seeking to adjust to permanent legal status are dependent on U.S. citizen or permanent resident family members to petition on their behalf. These family members must also attest to their ability to financially support them. If the family member were to withdraw their petition, the immigrant spouse or child would lose their ability to adjust status.



evidence documenting their legal relationship to their abuser, the abuser's legal status as a citizen or permanent resident, proof of residence with the abuser, and documentation of the abuse. They [must also submit](#) proof of their own good moral character and proof that they entered into the relationship with the abuser in good faith (in the case of a marriage relationship). Once approved, VAWA self-petitioners receive deferred action against deportation if they are in the country without authorization and can later apply for permanent resident status.

There is no annual cap on the number of applicants who may be approved for status under VAWA self-petitions, and this program is not subject to congressional reauthorization or approval. From 1997 to 2011, the [U.S. government processed an average of 6,546 VAWA petitions per year](#), with an average approval rating of 75%.

T visas:

Congress created the T visa category in the 2000 VAWA reauthorization, called the [Victims of Trafficking and Violence Protection Act](#). This visa category grants temporary legal status to victims of either [sex trafficking or labor trafficking](#). It is available to all immigrants, including those without legal status in the U.S., provided that they can [demonstrate](#) that they were brought to the U.S. as a result of human trafficking *and* that they would “suffer extreme hardship involving unusual and severe harm” if they were to be removed from the U.S.

T Visa recipients and their family members are also eligible for various services from the [Office of Refugee Resettlement \(ORR\)](#), such as cash and medical assistance, employment services, academic support, youth mentoring, and in some scenarios, intensive case management. Unaccompanied children with T visa status are eligible for ORR's [Unaccompanied Refugee Minors program](#). Through this program, minors are placed in safe, age-appropriate shelters or homes and receive various benefits, including health care, mental health services, academic support, vocational training, access to legal services, and support with family reunification. To access these benefits, T visa recipients should be referred to a local refugee service provider after approval.

To apply, victims must submit Form 1-914 along with a narrative statement describing their experience of trafficking. They should also submit documentary evidence that they are victims of trafficking. This evidence could include trial documents, news clippings, police reports or other documentation produced by the victim. Victims should also demonstrate that they have complied with reasonable requests from law enforcement in investigating the trafficking to the extent that they were able. However, victims are not required to cooperate with law enforcement if they are under the age of 18 or “unable to cooperate due to physical or psychological trauma.” If approved, T visa holders are



[granted temporary legal status](#) for up to four years, with the option to apply for permanent legal status after three years.

There is a cap of 5,000 T visas annually. However, this cap has [not been met in the 10 most recent fiscal years for which data is available](#). In fact, the most petitions submitted in a single year is 1,613 submitted in 2018, and the highest number of petitions approved was 851 in 2013. This is likely because of the requirement that applicants demonstrate that they would suffer “extreme hardship” if removed. The Department of Homeland Security [acknowledged](#) in its publication of the rule governing T visas that “the [T visa] will not be an appropriate response with respect to many cases involving aliens who are victims of severe forms of trafficking in persons.”

U visas:

Congress created the U visa category alongside the T visa in the [Victims of Trafficking and Violence Protection Act \(VAWA reauthorization\) of 2000](#). This visa category [grants temporary legal status to victims of certain crimes](#) who “have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.” This benefit is available to all immigrants, regardless of status, and covers a range of qualifying crimes, from abduction to female genital mutilation and murder. Because domestic abuse is also a qualifying crime, this benefit is available to victims of domestic abuse who cannot self-petition under VAWA if their abuser is not a U.S. citizen or permanent resident. Additionally, because trafficking is also a qualifying crime, this benefit is available to trafficking victims who might not meet the “extreme hardship” threshold required by the T visa.

Unaccompanied minors with U visa status are also eligible for benefits through the [Unaccompanied Refugee Minors program](#), administered by ORR. To access program benefits, described above, unaccompanied children with U visa status should be referred to a local refugee service provider after approval. To apply, victims must submit form I-918 along with a personal narrative statement describing the criminal activity they experienced. However, unlike VAWA and T visas, U visa applicants must also submit a supplementary form signed by a law enforcement official attesting that the applicant has been helpful or will be helpful in a criminal investigation. This requirement effectively [gives local law enforcement agencies discretion](#) over the viability of U visa petitioners’ cases. Some law enforcement agencies have clearly published processes and entire units devoted to processing requests from U visa applicants. Others are either unfamiliar with U visa petitions or unwilling to take part in an immigration petition at all.

Additionally, there is a cap of 10,000 U visas to be issued annually, but the number of submissions has averaged nearly 23,000 annually since 2008, resulting in a backlog of



more than 140,000 cases as of 2019. The [queue of pending petitions has grown](#) 1182% since 2010, and 85% since 2017 alone. While approval rates for U visas are high—averaging 86% from 2012 to 2014—the backlog has grown so long that [victims seem to be abandoning this form of immigration relief](#), as indicated by a 13% decrease in the number of new petitions from 2014 to 2018. Petitioners who are placed on the wait list are granted deferred action or parole and are eligible to apply for work authorization as they wait for their case to be adjudicated.