

## OVERVIEW OF PRO BONO REPRESENTATION UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

The National Immigrant Justice Center (NIJC) and its *pro bono* attorneys represent immigrant victims of domestic violence. With an approved VAWA self-petition, an immigrant will live free from fear and united with family members. The client will be eligible for lawful employment, a valid social security number, certain public benefits, and possibly, legal permanent residence and eventually U.S. citizenship. Your representation will make a difference in the immigrant obtaining protection.

### NIJC Role in Pro Bono Representation:

NIJC screens immigrants for VAWA self-petitions and places eligible clients on our case list. *Pro bono* attorneys who have attended NIJC's VAWA training and reviewed NIJC's VAWA manual are encouraged to accept cases for representation. After the *pro bono* representation begins, the *pro bono* attorney maintains client communication. A designated NIJC attorney is available to *pro bono* attorneys to answer questions and to review filings.

### VAWA Eligibility<sup>1</sup>:

Battered immigrants may be eligible to file a self-petition under VAWA if they:

- have a qualifying relationship to an abusive legal permanent resident or U.S. citizen,
- have been subjected to battery and/or extreme cruelty,
- have resided with the abuser,
- currently reside in the United States, and
- can establish that they are a person of good moral character.

Qualifying family members may be included as derivatives on the self-petition. Some immigrants qualify to file their application for legal permanent residency simultaneously with the VAWA self-petition.

### Pro Bono Representation in VAWA Self-Petition:

Pro bono representation is critical to VAWA cases as many battered immigrants do not have the resources to retain an attorney. The VAWA approval rate is significantly higher when an immigrant is represented. Representing a VAWA client is a discrete project and requires the following:

- Interviewing the client<sup>2</sup> to gather facts
- Preparing client affidavit in support of self-petition
- Gathering supporting documents
- Preparing applications<sup>3</sup>
- Filing applications and supporting documents with a cover letter outlining legal eligibility
- If necessary, filing a fee waiver request with supporting documents
- Filing a timely response to any Request for Evidence or Notice of Intent to Deny
- If the VAWA self-petition is approved, advising the client on employment authorization
- If the client and any derivatives are eligible for legal permanent residence, filing the adjustment of status application(s) and representing the client(s) at the interview at the local U.S. Citizenship and Immigration Services
- If the client is not immediately eligible for lawful permanent residence, either representing the client in annual applications to renew employment authorization until he/she becomes eligible or closing the case and referring the client to NIJC
- Maintaining representation until all matters have either been approved or denied for both the client and any derivatives

*If you are interested in attending a NIJC VAWA training or accepting a case for representation, please contact Joe Gietl at 312-660-1362 or [jgietl@heartlandalliance.org](mailto:jgietl@heartlandalliance.org)*

<sup>1</sup> See INA § 204(a)(1); 8 U.S.C. § 1154(a)(1); 8 C.F.R. § 204.2(c) & (e).

<sup>2</sup> Many of NIJC's clients are Spanish speaking and we request that pro bono attorneys arrange for translators as needed.

<sup>3</sup> Forms G-28 and I-360. If immediately eligible for legal permanent residence, Forms I-485, I-765, G-325A, and I-864W for client and derivatives, and Form I-912 (if applicable).