

Appendix IV: Potential Forms of Immigration Relief for Immigrant Crime Victims and Their Family Members and Forms of Documentation Applicants Will Receive From DHS

By Andrea Carcamo Carvasos and Leslye E. Orloff (NIWAP)

June 18, 2018

Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action
U Visa						
U Visa applicant	INA Sec 101(a)(15)(U)(i)	x	yes INA §237(d)	Automatic upon approval	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
U visa: included child	INA Sec 101(a)(15)(U)(ii)(I) and (II)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
U visa: included spouse	INA Sec 101(a)(15)(U)(ii)(I) and (II)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
U visa: including unmarried under 18 yr old sibling	INA Sec 101(a)(15)(U)(ii)(I)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
U visa: Mother	INA Sec 101(a)(15)(U)(ii)(I)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
U visa: father	INA Sec 101(a)(15)(U)(ii)(I)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
U visa: stepparent/steppchild	INA Sec 101(a)(15)(U)(ii)(I)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
U visa: adoptive parent or adopted child	INA Sec 101(a)(15)(U)(ii)(I)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
T Visa						
T Visa	INA Sec 101(a)(15)(T)(i), 8 USC 1641(c)(4)	x	yes INA §237(d)	automatic upon approval	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
T Visa: included child	INA Sec 101(a)(15)(T)(ii) (I), (II), or (III); 8 USC 1641(c)(4)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
T Visa: Included spouse	INA Sec 101(a)(15)(T)(ii) (I), (II), or (III); 8 USC 1641(c)(4)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
T Visa: included unmarried sibling under 18 on the date when T1 applies for status.	INA Sec 101(a)(15)(T)(ii) (I), or (III); 8 USC 1641(c)(4)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
T visa: father	INA Sec 101(a)(15)(T)(ii) (I), or (III); 8 USC 1641(c)(4)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
T Visa: mother	INA Sec 101(a)(15)(T)(ii) (I), or (III); 8 USC 1641(c)(4)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
T visa: stepparent/stepchild	INA Sec 101(a)(15)(T)(ii) (I), or (III); 8 USC 1641(c)(4)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*
T visa: adoptive parent or adopted child	INA Sec 101(a)(15)(T)(ii) (I), or (III); 8 USC 1641(c)(4)	x	yes INA §237(d)	upon approval IF I-765 filed concurrently with I-918A	I-797	yes. Peter S. Vincent. September 25, 2009 Memo. U Visa Guidance*

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Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action
Continued presence						
Continued presence	TVPA 22 U.S.C. §7105(c)(3)	Filed by officer	ORR certification provides access to benefits	upon approval of continued presence	none. VSC produces an I-94 and EAD for requesting officer to provide to victim.	Deferred Action should never be used in place of Continued Presence
Child of Victim Family can get humanitarian parole	8 U.S.C. §1229(b)(6)(A)(i)(I), (II) : I-131 and I-134	x	no	May apply 8 CFR § 274a.12(c)(11)	I-797	does not derive from being paroled, but can request
Spouse of victim Family can get humanitarian parole	8 U.S.C. §1229(b)(6)(A)(i)(I), (II) : I-131 and I-134	x	no	May apply 8 CFR § 274a.12(c)(11)	I-797	does not derive from being paroled, but can request
Parent of victim humanitarian parole	8 U.S.C. §1229(b)(6)(A)(i)(I): I-131 and I-134	x	no	May apply 8 CFR § 274a.12(c)(11)	I-797	does not derive from being paroled, but can request
Unmarried sibling of Victim under 18 Family can get humanitarian parole	8 U.S.C. §1229(b)(6)(A)(i)(I): I-131 and I-134	x	no	May apply 8 CFR § 274a.12(c)(11)	I-797	does not derive from being paroled, but can request
Sibling if in present danger of retaliation as determined by the requesting law enforcement official	8 U.S.C. §1229(b)(6)(A)(i)(III): I-131 and I-134	x	no	May apply 8 CFR § 274a.12(c)(11)	I-797	does not derive from being paroled, but can request
Parent if in present danger of retaliation as determined by the requesting law enforcement official as humanitarian parole	8 U.S.C. §1229(b)(6)(A)(i)(III): I-131 and I-134	x	no	May apply 8 CFR § 274a.12(c)(11)	I-797	does not derive from being paroled, but can request
VAWA Self-Petitioner						
Self-Petitioner: abused spouse of U.S. citizen	INA Section 204(a)(1)(A)(iii), 8 USC 1641(c)(1)(B)(i)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Self-petitioner: abused spouse of U.S. citizen - CHILD INCLUDED	INA Section 204(a)(1)(A)(iii), 8 USC 1641(c)(1)(B)(i)	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	Once deferred action through I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Self-Petitioner: abused spouse of Legal Permanent Resident (LPR)	INA Section 204(a)(1)(B)(ii), 8 USC 1641(c)(1)(B)(ii)	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Self-Petitioner: abused spouse of Legal Permanent Resident (LPR) - CHILD INCLUDED	INA Section 204(a)(1)(B)(ii), 8 USC 1641(c)(1)(B)(ii)	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	Once deferred action through I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Self-Petitioner: Non-abused spouse, where child suffered abuse by U.S. Citizen spouse of immigrant self-petitioner.	INA Section 204(a)(1)(B)(ii), 8 USC 1641(c)(1)(B)(ii)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Self-Petitioner: Non-abused spouse, where child suffered abuse by Permanent Resident spouse of immigrant self-petitioner.	INA Section 204(a)(1)(B)(ii), 8 USC 1641(c)(1)(B)(ii)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Self-Petitioner: Non-abused spouse, where child suffered abuse by U.S. Citizen - CHILD INCLUDED	INA Section 204(a)(1)(B)(ii), 8 USC 1641(c)(1)(B)(ii)	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	Once deferred action through I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000*
Self-Petitioner: Non-abused spouse, where child suffered abuse by Permanent Resident - CHILD INCLUDED	INA Section 204(a)(1)(B)(ii), 8 USC 1641(c)(1)(B)(ii)	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	Once deferred action through I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000*

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Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action
Self-Petitioner: Abused Child of USC	INA Section 204(a)(1)(A)(iv), 8 USC 1641(c)(1)(B)(i)	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Self-Petitioner: Abused Child of USC - CHILD INCLUDED	INA Section 204(a)(1)(A)(iv), 8 USC 1641(c)(1)(B)(i)	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000*
Self-Petitioner: Abused Child of LPR	INA Section 204(a)(1)(B)(iii), 8 USC 1641(c)(1)(B)(ii)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Self-Petitioner: Abused Child of LPR - CHILD INCLUDED	INA Section 204(a)(1)(B)(iii), 8 USC 1641(c)(1)(B)(ii)	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	Once deferred action through I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000*
Elder Abuse Victim Self-Petitioner: Parents of abused by over 21 year old U.S. Citizen sons and daughters. (does NOT include derivatives)	INA Section 204(a)(1)(A)(vii)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Spouse Waiver						
Battered Alien spouse of U.S. Citizen who has conditional residency can adjust to Permanent Legal Residency	INA 216(c)(4)(C)	x	no	Once I-751 approved, then Permanent resident, so don't need.	I-797	Form I-797 normally includes an "initial grant of Deferred Action"
Battered child alien of U.S. Citizen who has conditional residency can adjust to Permanent Legal Residency	INA 216(c)(4)(C)	x	no	Once I-751 approved, then Permanent resident, so don't need.	I-797	Form I-797 normally includes an "initial grant of Deferred Action"
Battered Alien spouse of Legal Permanent Resident who has conditional residency can adjust to Permanent Legal Residency	INA 216(c)(4)(C)	x	no	Once I-751 approved, then Permanent resident, so don't need.	I-797	Form I-797 normally includes an "initial grant of Deferred Action"
Battered child alien of Legal Permanent Resident who has conditional residency can adjust to Permanent Legal Residency	INA 216(c)(4)(C)	x	no	Once I-751 approved, then Permanent resident, so don't need.	I-797	Form I-797 normally includes an "initial grant of Deferred Action"
VAWA Cuban Adjustment						
Battered Spouse of a Cuban National who was inspected and admitted or paroled into the U.S. after 01/1959 and has been physically present in the U.S. for at least one year can apply to become a Legal Permanent Resident.	Pub. L. 89-732- 1	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Child of a Cuban National who was inspected and admitted or paroled into the U.S. after 01/1959 and has been physically present in the U.S. for at least one year can apply to become a Legal Permanent Resident.	Pub. L. 89-732- 2	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
VAWA NACARA Section 202 Self-Petitioner						
Battered Spouse of a National of Cuba who has been physically present in the U.S. before 12/1/1995	202 of Pub. L. 105-100 - 202(d)(1)(B)(ii)	X	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Spouse of a National of Cuba who has been physically present in the U.S. before 12/1/1995 - CHILD INCLUDED	included as derivative in the application	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**

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Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action
Battered child of a National of Cuba who has been physically present in the U.S. before 12/1/1995	202 of Pub. L. 105-100 - 202(d)(1)(B)(ii)	X	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered child of the spouse of a National of Cuba who has been physically present in the U.S. before 12/1/1995	202 of Pub. L. 105-100 - 202(d)(1)(B)(ii)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered child of a National of Cuba who has been physically present in the U.S. before 12/1/1995- CHILD INCLUDED	included as derivative in the application	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Spouse of a National of Nicaragua who has been physically present in the U.S. before 12/1/1995	202 of Pub. L. 105-100 - 202(d)(1)(B)(ii)	X	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Spouse of a National of Nicaragua who has been physically present in the U.S. before 12/1/1995- CHILD INCLUDED	included as derivative in the application	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Child of National of Nicaragua who has been physically present in the U.S. before 12/1/1995	202 of Pub. L. 105-100 - 202(d)(1)(B)(ii)	must wait till prima facie determination	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Child of National of Nicaragua who has been physically present in the U.S. before 12/1/1995- CHILD INCLUDED	included as derivative in the application	X	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Child of the spouse of National of Nicaragua who has been physically present in the U.S. before 12/1/1995	202 of Pub. L. 105-100 - 202(d)(1)(B)(ii)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-766	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
VAWA NACARA Section 203 Self-Petitioner						
Battered Spouse of a National of El Salvador who has been physically present in the U.S. before 9/19/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered child of a National of El Salvador who has been physically present in the U.S. before 9/19/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-766	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered child of the Spouse of a National of El Salvador who has been physically present in the U.S. before 9/19/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Spouse of a National of Guatemala who has been physically present in the U.S. before 10/01/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Child of a National of Guatemala who has been physically present in the U.S. before 10/01/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-766	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**

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Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action
Battered child of the Spouse of a National of Guatemala who has been physically present in the U.S. before 10/01/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-767	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Spouse of a National of El Salvador who filed an application for Asylum with the INS before 04/1/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-768	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Child of a National of El Salvador who filed an application for Asylum with the INS before 04/1/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-769	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Child of the Spouse of a National of El Salvador who filed an application for Asylum with the INS before 04/1/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-770	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Spouse of a National of Guatemala who filed an application for Asylum with the INS before 04/1/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-771	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered child of a National of Guatemala who filed an application for Asylum with the INS before 04/1/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-772	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered child of the spouse of a National of Guatemala who filed an application for Asylum with the INS before 04/1/1990	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-773	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Spouse of an alien National of the Soviet Union, Russian, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia who entered the United States before 12/31/1990 and filed an application for asylum before 12/31/1991	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-774	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered Child of an alien National of the Soviet Union, Russian, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia who entered the United States before 12/31/1990 and filed an application for asylum before 12/31/1991	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-775	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**

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Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action
Battered Child of the spouse of an alien National of the Soviet Union, Russian, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, or any state of the former Yugoslavia who entered the United States before 12/31/1990 and filed an application for asylum before 12/31/1991	203 of Pub. L. 105-100 - 203(a)(1)(5)(c)(i)(VII)(bb)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-776	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
VAWA HRIFA -Self-Petitioner						
Battered spouse of a national of Haiti who was present in the U.S. prior on 12/31/1995	64 FR 25756 §§902(d)(1)(A)(ii) and(iii)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
Battered child of a national of Haiti who was present in the U.S. prior on 12/31/1995	64 FR 25756 §§902(d)(1)(A)(ii) and(iii)	x	yes 8CFR s204.2(c)(6)	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action"- Cronin Memo September 8, 2000**
VAWA Cancellation of Removal						
Parents of abused children of U.S. Citizens who are not married to the abuser	INA section 240A(b)(2) VAWA ilrc manual § 11.2	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Parents of abused children of Legal Permanent Residents who are not married to the abuser	VAWA ilrc manual § 11.2	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
battered spouse of U.S. Citizen who was divorced more than two years ago or whose abusive spouse lost status more than two years ago.	Memo, virtue, INS Office of programs (May 6, 1997) - VAWA ilrc manual § 11.2	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
battered spouse of permanent resident who was divorced more than two years ago or whose abusive spouse lost status more than two years ago.	Memo, virtue, INS Office of programs (May 6, 1997) - VAWA ilrc manual § 11.2	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
battered individual eligible for VAWA self-petition that is placed in removal proceedings	VAWA ilrc manual § 11.2	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Battered individual who has an approved self-petition and is placed in removal proceedings before his or her priority date.	VAWA ilrc manual § 11.2	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Abused sons and daughters of U.S. Citizens who do not file the self-petition before they turn 21	INA §204(a)(1)(D) - VAWA ilrc manual § 11.2	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Abused sons and daughters of Legal Permanent Residents who do not file the self-petition before they turn 21	INA §204(a)(1)(D) - VAWA ilrc manual § 11.2	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Abused Spouses of U.S. Citizens	INA §240A(b)(2)(A)(i)(II&III), 8 U.S.C. 1641(c)(1)(B)(v)	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Abused Spouses of Permanent Residents	INA §240A(b)(2)(A)(i)(II&III), 8 U.S.C. 1641(c)(1)(B)(v)	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Abused sons and daughters of U.S. Citizens	INA §240A(b)(2)(A)(i)(II&III), 8 U.S.C. 1641(c)(1)(B)(v)	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Abused sons and daughters of permanent residents	INA §240A(b)(2)(A)(i)(II&III), 8 U.S.C. 1641(c)(1)(B)(v)	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a

Appendix IV: Potential Forms of Immigration Relief for Immigrant Crime Victims and Their Family Members and Forms of Documentation Applicants Will Receive From DHS

By Andrea Carcamo Carvasos and Leslye E. Orloff (NIWAP)

June 18, 2018

Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action
Abused individual that believed to be the spouse of U.S. Citizen	INA §240A(b)(2)(A)(i)(III), 8 U.S.C. 1641(c)(1)(B)(v)	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Abused individual that believed to be the spouse of a permanent resident	INA §240A(b)(2)(A)(i)(III), 8 U.S.C. 1641(c)(1)(B)(v)	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Non-abused parent of abused children of U.S. Citizens	INA §240A(b)(2)(A)(i)(II&III), 8 U.S.C. 1641(c)(1)(B)(v)	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Non-abused parent of abused children of permanent resident	INA §240A(b)(2)(A)(i)(II&III), 8 U.S.C. 1641(c)(1)(B)(v)	x	yes***	once EOIR 42B approved, LPR status, so do not need.	Granted by judge	n/a
Grantee's child: can get parole	INA § 240A((b)(4)(A)	x	no	Once approved I-131, then may apply for work authorization under 8 CFR § 274a.12(c)(11)	I-797	does not derive from being paroled, but can request
Grantee is a child and has parent: can get parole	INA § 240A((b)(4)(A)	x	no	Once approved I-131, then may apply for work authorization under 8 CFR § 274a.12(c)(11)	I-797	does not derive from being paroled, but can request
VAWA Suspension of Deportation	INA Section 244(a)(3)(as in effect before March 31, 1997)					
Parents of abused children of U.S. Citizens who are not married to the abuser	VAWA ilrc manual § 11.2	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Parents of abused children of Legal Permanent Residents who are not married to the abuser	VAWA ilrc manual § 11.2	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
battered spouse of U.S. Citizen who was divorced more than two years ago or whose abusive spouse lost status more than two years ago.	Memo, virtue, INS Office of programs (May 6, 1997) - VAWA ilrc manual § 11.2	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
battered spouse of permanent resident who was divorced more than two years ago or whose abusive spouse lost status more than two years ago.	Memo, virtue, INS Office of programs (May 6, 1997) - VAWA ilrc manual § 11.2	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
battered individual eligible for VAWA self-petition that is placed in removal proceedings	VAWA ilrc manual § 11.2	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Battered individual who has an approved self-petition and is placed in removal proceedings before hir or her priority date.	VAWA ilrc manual § 11.2	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Abused sons and daughters of U.S. Citizens who do not file the self-peition before they turn 21	INA §204(a)(1)(D) - VAWA ilrc manual § 11.2	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Abused sons and daughters of Legal Permanent Residents who do not file the self-peition before they turn 21	INA §204(a)(1)(D) - VAWA ilrc manual § 11.2	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Abused Spouses of U.S. Citizens	former INA § 244(a)(3), 8 USC 1641(c)(1)(B)(iii)	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Abused Spouses of Permanent Residents	former INA § 244(a)(3), 8 USC 1641(c)(1)(B)(iii)	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Abused sons and daughters of U.S. Citizens	former INA § 244(a)(3), 8 USC 1641(c)(1)(B)(iii)	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Abused sons and daughters of permanent residents	former INA § 244(a)(3), 8 USC 1641(c)(1)(B)(iii)	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Abused individual that believed to be the spouse of U.S. Citizen	INA §240A(b)(2)(A)(i)(III)	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Abused individual that believed to be the spouse of a permanent resident	INA §240A(b)(2)(A)(i)(III)	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Non-abused parent of abused children of U.S. Citizens	former INA § 244(a)(3), 8 USC 1641(c)(1)(B)(iii)	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a

Appendix IV: Potential Forms of Immigration Relief for Immigrant Crime Victims and Their Family Members and Forms of Documentation Applicants Will Receive From DHS

By Andrea Carcamo Carvasos and Leslye E. Orloff (NIWAP)

June 18, 2018

Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action
Non-abused parent of abused children of permanent resident	former INA § 244(a)(3), 8 USC 1641(c)(1)(B)(iii)	x	yes***	once EOIR 40 approved, LPR status, so do not need.	Granted by judge	n/a
Grantee's child: can get parole	INA § 240A((b)(4)(A)	x	no	Once approved I-131, then may apply for work authorization under 8 CFR § 274a.12(c)(11)	I-797	does not derive from being paroled, but can request
Grantee is a child and has parent: can get parole	INA § 240A((b)(4)(A)	x	no	Once approved I-131, then may apply for work authorization under 8 CFR § 274a.12(c)(11)	I-797	does not derive from being paroled, but can request
INA Section 106 Work Authorizations - Work authorization for spouses of visa holders who have been battered or subject to extreme cruelty. Does not provide independent source of immigration status.						
Battered spouse of A visa holder (diplomats and foreign officer officials)	INA § 106	x	no	I-765 employment authorization application	I-797B	n/a
Battered spouse of E-3 visa holder (entered to the U.S. to perform services in a specialty occupation in the U.S. if the alien is a national of the Commonwealth of Australia)	INA § 106	x	no	I-765 employment authorization application	I-797B	n/a
Battered spouse of G visa holder (visas for employees of international organizations and NATO)	INA § 106	x	no	I-765 employment authorization application	I-797B	n/a
Battered spouse of H visa holder (temporary worker visa)	INA § 106	x	no	I-765 employment authorization application	I-797B	n/a
Battered Immigrant Qualified Aliens	8 USC 1641(c)					
Spouse of a Legal Permanent Resident who has an approved I-130 family based visa petition or who has an I-130 family based visa petition and has received a prima facie determination who has been subjected to extreme cruelty by their lawful permanent resident spouse or a member of the lawful permanent resident spouse's family residing in the same household. (proceeding under I 130 visa application; no self-petition filed). The lawful permanent resident spouse need not be the abuser.	8 USC 1641(c)(1)(A); INA Section 203(a)(2)(A); INA Section 204(a)(1)(B)(i)	x	yes	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action
Spouse of a Citizen who has an approved I-130 family based visa petition or who has an I-130 family based visa petition and has received a prima facie determination who has been subjected to extreme cruelty by their citizen spouse or a member of the citizen spouse's family residing in the same household. (proceeding under I 130 visa application; no self-petition filed) This category will also qualify for LSC representation in most cases because they will also have a pending application for adjustment of status to lawful permanent residency. The citizen spouse need not be the abuser.	8 USC 1641(c)(1)(A); INA Section 201(b)(2)(A)(i); INA section 204(a)(1)(A)(i)	x	yes	If approval notice I-797, can file for I-765	I-797	No

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By Andrea Carcamo Carvasos and Leslye E. Orloff (NIWAP)

June 18, 2018

Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action	
Child of a Legal Permanent Resident who has an approved I-130 family based visa petition or who has an I-130 family based visa petition and has received a prima facie determination who has been subjected to extreme cruelty by their lawful permanent resident parent or a member of the lawful permanent resident parent's family residing in the same household. (proceeding under I 130 visa application; no self-petition filed). The lawful permanent resident parent or step-parent need not be the abuser.	8 USC 1641(c)(1)(A); INA Section 203(a)(2)(A); INA Section 204(a)(1)(B)(i)	x	yes		If approval notice I-797, can file for I-765	I-797	No
Child of a Citizen who has an approved I-130 family based visa petition or who has an I-130 family based visa petition and has received a prima facie determination who has been subjected to extreme cruelty by their citizenparent or a member of the citizen parent's family residing in the same household. (proceeding under I 130 visa application; no self-petition filed) The citizen parent or step-parent need not be the abuser. This category may also qualify for LSC representation because they may also have a pending application for adjustment of status to lawful permanent residency.	8 USC 1641(c)(1)(A); INA Section 201(b)(2)(A)(i); INA section 204(a)(1)(A)(i)	x	yes		If approval notice I-797, can file for I-765	I-797	No
Immigrant whose child has been battered or subjected to extreme cruelty by the immigrant's citizen spouse or parent or a member of the immigrant citizen spouse's or parent's family residing in the same household as immigrant parent of the abused child. The immigrant parent of the abused child must have an approved I-130 visa application or a prima facie determination in the I 130 visa case filed by the citizen spouse or parent. The citizen spouse or parent need not be the abuser.	8 USC 1641(c)(2)	x	yes		If approval notice I-797, can file for I-765	I-797	No
Immigrant whose child has been battered or subjected to extreme cruelty by the immigrant's lawful permanent resident spouse or parent or a member of the immigrant lawful permanent spouse's or parent's family residing in the same household as immigrant parent of the abused child. The immigrant parent of the abused child must have an approved I-130 visa application or a prima facie determination in the I 130 visa case filed by the lawful permanent resident spouse or parent. The citizen spouse or parent need not be the abuser.	8 USC 1641(c)(2)	x	yes		If approval notice I-797, can file for I-765	I-797	No

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Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action
An immigrant child whose parent has been battered or subjected to extreme cruelty but that parent's citizen spouse or a member of the parent's citizen spouse's family who resides in the same household as the parent. The citizen spouse must have filed an I-130 family based petition on behalf of the immigrant parent and/or immigrant child that has been approved or in which a prima facie determination has been issued.	8 USC 1641(c)(3)	x	yes	If approval notice I-797, can file for I-765	I-797	No
Immigrants who are unmarried sons and daughters of a U.S. Citizen parents who filed an I-130 visa application on the immigrant son or daughter's behalf that has been approved or in which a prima facie determination has been issued. The immigrant unmarried son or daughter has been battered or subject to extreme cruelty by the citizen parent or by a member of the citizen parent's family residing in the same household as the immigrant.	8 USC 1641(c)(1)(B)(iv); INA section 204(a)(1)(A)(i); INA Section 203(a)(1)	x	yes	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action
Immigrants who are married sons or married daughters of U.S. Citizens who filed an I-130 visa application on the immigrant son or daughter's behalf that has been approved or in which a prima facie determination has been issued. The immigrant unmarried son or daughter has been battered or subject to extreme cruelty by the citizen parent or by a member of the citizen parent's family residing in the same household as the immigrant.	8 USC 1641(c)(1)(B)(iv); INA section 204(a)(1)(A)(i); INA Section 203(a)(3)	x	yes	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action
Immigrants who are brothers and sisters of U.S. Citizens who filed an I-130 visa application on the immigrant brother or sister's behalf that has been approved or in which a prima facie determination has been issued. The immigrant brother or sister has been battered or subject to extreme cruelty by the citizen sibling or by a member of the citizen sibling's family residing in the same household as the immigrant.	8 USC 1641(c)(1)(B)(iv); INA section 204(a)(1)(A)(i); INA Section 203(a)(4)	x	yes	If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action

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Form of Relief	Statutory Citation	File Receipt	Prima Facie Determination	Work Authorization (I-765)	Approval Notice	Deferred Action	
Immigrant spouse of deceased U.S. Citizen who was battered or subjected to extreme cruelty by the immigrant's citizen spouse or a member of the citizen spouse's family. The citizen spouse must have filed an I-130 visa application that has been approved or has petition pending in which a prima facie determination has been issued. Provided there was no legal separation at the time of the citizen spouse's death.	8 USC 1641(c)(1)(B)(i); INA Section 204(a)(1)(A)(ii); INA Section 201(a)(2)(a)(i)(second sentence)	x	yes		If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action
Immigrants who are unmarried sons and daughters of a Legal Permanent Resident parents who filed an I-130 visa application on the immigrant son or daughter's behalf that has been approved or in which a prima facie determination has been issued. The immigrant unmarried son or daughter has been battered or subject to extreme cruelty by the citizen parent or by a member of the citizen parent's family residing in the same household as the immigrant.	8 USC 1641(c)(1)(B)(iv); INA Section 204(a)(1)(B)(1); INA Section 203 (a)(2)(B)	x	yes		If approval notice I-797, can file for I-765	I-797	Form I-797 normally includes an "initial grant of Deferred Action

*<http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/enforcement-detention-and-criminal-justice/government-documents/Vincent-Memo-Guidance-Regarding-U-Nonimmigrant-Status.pdf/view>

**http://niwaplibrary.wcl.american.edu/immigration/vawa-self-petition-and-cancellation/government-memoranda-and-factsheets/VAWA_Cronin%20Deferred%20Action%20Memo_9.9.00.pdf/view

***http://iwp.legalmomentum.org/immigration/vawa-self-petition-and-cancellation/government-memoranda-and-factsheets/VAWA_EOIR%20Prima%20Facie%20Determination.pdf