

# NIWAP

**URGENT UPDATE – PLEASE CIRCULATE WIDELY!!!**

August 16, 2012

## **Protection from deportation, work authorization, drivers licenses for immigrant survivors who entered the U.S. as children**

Many immigrant survivors of domestic violence, sexual assault and human trafficking who are eligible to apply for immigration relief under the Violence Against Women Act and the Trafficking Victims Protection Act also qualify for the new deferred action program for childhood arrivals. The new deferred action program provides protection from deportation and work authorization for two years. With work authorization immigrant victims will be eligible to not only work but apply for state issued identification and drivers licenses.

Victims of domestic violence, sexual assault and human trafficking who are in the process of preparing their applications for legal immigration status as VAWA self-petitioners, VAWA cancellation of removal applicants, U-visa crime victims and T-visa victims who entered the United States as children should consider applying now for deferred action as childhood arrivals under this new program. **Applications are being accepted as of August 15, 2012.**

Currently, due to case processing delays, immigrant survivors applying under the VAWA self-petitioning program are having to wait up to or over 1½ years before they receive deferred action and work authorization and U visa applicants are waiting up to or over one year to receive their U-visas and work authorization. For those immigrant survivors who qualify, the Deferred Action for Childhood Arrivals program, provides immigrant survivors an avenue through which they can be protected from deportation and receive work authorization significantly sooner than through their VAWA and U-visa applications.

**This relief is particularly important for immigrant survivors initiating or involved in family court proceedings** (e.g. protection orders, custody, child support). Filing for deferred action prior to serving the perpetrator in the family court case will offer the victim protection should the perpetrator retaliate by reporting the victim to DHS enforcement officials. Since this deferred action program is temporary, immigrant survivors involved in family court proceedings as well as victims who have perpetrators threatening deportation if they cooperate with law enforcement officials, should not rely solely upon deferred action for protection. U-visa victims should obtain certification from law enforcement, prosecution or judicial officials as soon as after victimization as possible and file for U-visa immigration relief. Immigrant victims of spouse abuse, child

abuse or elder abuse eligible for VAWA self-petitions should file their self-petitions prior to litigating the custody case in family court.

Application forms, instructions, mailing address for applications, links to information from the Department of Homeland Security and other websites with information about the application process for deferred action and work authorization are available in NIWAP's web library on resources for immigrant survivors at:

<http://iwp.legalmomentum.org/reference/additional-materials/immigration/deferred-action-for-childhood-arrivals-dreamers-can-also-help-immigrant-survivors>

To keep up to date on issues, research, materials, tools and policies important to immigrant women, children and victims sign up for our outreach list: go to <http://groups.yahoo.com/group/niwapoutreach/> and click the blue "Join This Group" button. Alternately, send an email to [niwapoutreach-subscribe@yahogroups.com](mailto:niwapoutreach-subscribe@yahogroups.com).

Thanks for all the work you are doing to help immigrant victims, women and children!

Leslye E. Orloff

Director, National Immigrant Women's Advocacy Project (NIWAP, pronounced new-app)

American University Washington College of Law

4910 Massachusetts Avenue NW · Suite 16, Lower Level · Washington, DC 20016

o. 202.274.4371 | c. 202.210.8886 | f. 202.274.4226

[orloff@wcl.american.edu](mailto:orloff@wcl.american.edu) | <http://wcl.american.edu/niwap>