

.02 Battered Noncitizen

REVISION 50
(01/01/22 –12/31/22)

A battered noncitizen is an individual who has suffered abuse or extreme cruelty while living with their abuser in the United States. The abuse must have been caused by any of the following:

- Parent.
- [Spouse\(g\)](#).
- Relative of the parent or spouse who resides in the same home as the battered noncitizen. The parent or spouse must not actively have participated in the battery or cruelty.

NOTE A dependent child of the battered noncitizen may also become a qualified noncitizen.

Only battered noncitizens designated as qualified are potentially eligible for NA and CA. To be a qualified battered noncitizen, they must meet all of the following:

- Possess a Prima Facie Determination petition, approved or pending, for immigration status in one of the following categories:
 - Form I-130 (Petition for Alien Relative) filed by their spouse or the child's parent
 - Form I-130 petition as a widow(er) of a U.S. citizen
 - Self-petition under the Violence Against Women Act (including those filed by a parent on behalf of an abused child)
 - Application for cancellation of removal or suspension of deportation filed as a victim of domestic violence
- The abuse occurred in the U.S.
- The abusive person was a U.S. citizen or a Lawful Permanent Resident (LPR)
- The noncitizen no longer resides with the abusive person

Have the participant write a statement giving the following information:

- The citizenship status of the abuser
- The participant's relationship to the abuser

- When the abuse occurred
- When they moved away from the abuser
- Other than the prima facie determination petition, do they have any other USCIS documented status

Document the case file with all the facts related to the claim.

For potential eligibility, qualified battered noncitizens must have five (5) years in a qualified noncitizen status, unless they meet one of the following exemptions:

- LPR with 40 quarters (their own, their spouse's when married (not ending in divorce), and a parents' up until the child's 18th birthday)
- Asylee
- Refugee
- Deportation withheld
- Cuban or Haitian entrant
- Amerasian
- Military connection – veteran, active, spouse, or dependent child
- Receiving benefits or assistance for blindness or disability
- For NA - Lawful noncitizen children under the age of 18 automatically meet citizenship status

NOTE The date of legal entry into the United States and the length of legal residency are not NA eligibility requirements for legal noncitizen children [under the age of 18](#).

- For CA - A lawful noncitizen must have entered the U.S. prior to 08/22/1996. When they entered the U.S. prior to 08/22/1996, they must provide all documentation verifying [continuous residency](#) in the U.S.

NOTE [Participant statement verification](#) must be provided when documented or collateral contact verification does not cover any period of time since entry. The participant statement must explain where the participant was during the time period that written and collateral contact verification does not cover.

Inform the participant of the following legal resources they may contact:

- The [Arizona Coalition Against Domestic Violence](#) (AZCADV)
- The [National Domestic Violence Hotline](#)

When a qualified noncitizen claims to be a battered noncitizen the supervisor must complete the following:

- Verify that the case file is documented with all the facts of the battered noncitizen claim and all documents were provided.
- Priority [upload\(g\)](#) the petition, the battered noncitizen statement, any supporting documentation, and when applicable, supporting continuous residence documentation, into [OnBase\(g\)](#).
- When uploading to OnBase is not available, email the [Policy Support Team](#) (PST) copies of the petition, all the battered noncitizen documentation, and when applicable, supporting continuous residence documentation. Staff must ensure that the Case Name and Number is on every document.

NOTE When submitting documents not included with the original request, be sure the subject line of the email states ASSN #XX-XXXX (provide the assignment number received from the PST) Documents to Support Battered Noncitizen Request.

- Contact the PST via email to request a potential eligibility of battered noncitizen.
- Document the [case file\(g\)](#) that the information was emailed to the PST.

The PST notifies the supervisor via email whether the battered noncitizen meets qualified noncitizen eligibility.

The PST responds with the notification of the final designation of the noncitizen. A battered noncitizen who meets qualified noncitizen eligibility may adjust their USCIS status. When this adjustment and the FAA notification occurs, FAA uses the new status eligibility requirements.