

.02 Battered Noncitizen

REVISION 49
(01/01/21 –12/31/21)

A battered noncitizen is an individual who has suffered abuse or extreme cruelty while living in the U.S. Battered nonqualified noncitizens may become qualified noncitizens when they have suffered abuse from any of the following:

- Parent
- [Spouse\(g\)](#)
- Relative of the parent or spouse who resides in the same home as the battered noncitizen

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

In order for the noncitizen to be potentially eligible for NA and CA, they must meet all of the following:

- Possess a current USCIS (a) status (including [Prima Facie \(g\)](#)).
- 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.

Inform the noncitizen of the following:

- They must file an immigration petition with USCIS.
- The abuse must have occurred in the U.S. and the abusive person must have been a U.S. citizen or an LPR.
- They must currently reside in the U.S.
- 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, when the lawful noncitizen is an adult, the participant must have been legally residing in the U.S. for at least five years or they 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 any and all documentation verifying [continuous residency](#) in the U.S.

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

- They may contact the [Arizona Coalition Against Domestic Violence](#) (AZCADV) for legal resources.
- They may contact the [National Domestic Violence Hotline](#) for legal resources.

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

- Contact the [Policy Support Team](#) (PST) via email to request an eligibility determination of the battered noncitizen.
- Priority [upload\(g\)](#) the petition, battered noncitizen documentation, and when applicable, supporting continuous residence documentation, into [OnBase\(g\)](#).
- When uploading to OnBase is not available, immediately FAX copies of the petition, battered noncitizen documentation, and when applicable, supporting continuous residence, to the PST.

NOTE When faxing documents containing confidential information use the Fax Cover Sheet (DES-1078A) form. This form can be found in the Document Center.

- Document the [case file\(g\)](#) that the information was faxed to the PST.

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

A battered noncitizen who meets qualified noncitizen eligibility may adjust their USCIS status. When this occurs, the eligibility requirements for the new status must be followed.