

.02 Battered Noncitizen

[REVISION 09](#)
(07/01/09 – 09/30/09)

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

- Parent
- Spouse
- 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 CA, NA, and full service MA, 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 an LPR.
- The noncitizen no longer resides with the batterer.

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 a Lawful Permanent Resident (LPR).
- They must currently reside in the U.S.
- They must have entered the U.S prior to 08/22/1996 or have been legally residing in the U.S. for at least five years.
- 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 All periods of time that are not accounted for must be addressed by a participant statement.

- 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 provides a Prima Facie or an approval notice from USCIS and, when applicable, documentation that indicates they have been continuously residing in the U.S, the supervisor must complete the following:

- Contact the [Policy Support Team](#) (PST) via e-mail to request an eligibility determination of the battered noncitizen.
- Immediately FAX copies of the petition and supporting continuous residence, to the PST.
- Document CADO that the information was FAXed to the PST.

The PST notifies the supervisor via e-mail 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.