

Help with Legal Cases: *Immigration remedies*

Work authorization

For many survivors, the ability to work is integral to establishing autonomy and economic security. Immigrants, however, do not have an automatic right to work in the US – immigration law requires they receive formal permission (work authorization) from US Citizenship and Immigration Services (USCIS) to do so. Immigrants with work authorization may then also apply for and receive a work-authorized Social Security Number.

If a survivor is eligible for immigration relief, they can receive work authorization:¹

- U-visa applicants receive authorization upon approval
- T-visa applicants receive authorization after filing but before approval
- Continued presence applicants receive authorization upon approval
- VAWA self-petition applicants receive authorization upon filing if the aggressor is a US citizen and the survivor has *also* filed for lawful permanent residency, based on being an immediate relative of a US citizen. Otherwise, an applicant receives authorization upon approval.
- Battered spouse waiver applicants receive an extension of their conditional lawful permanent status upon filing (renewable, for terms of one year), which provides authorization.

Note, however, that there is a lag between filing and receipt of the work authorization:²

- 41.4% of VAWA self-petitioners receive work authorization within 6 months of filing. Well over half (58.6%) of VAWA self-petitioners must wait between six months and two years for work authorization.
- Just 6.3% of U-visa applicants receive work authorization within 6 months of filing. 93.7% of U-visa applicants must wait between six months and two years for work authorization.

These waits – even just a few months - without legal means to work can pose great risk for immigrant survivors. It increases their vulnerabilities to ongoing coercion, manipulation, and witness tampering by aggressors; this is especially true in domestic violence and employer violence cases, where survivors are financially dependent on the aggressor. But having the ability to work can critically reduce the economic power and control that aggressors exert and, in the case of U-visa and T-visa applicants, can improve the abilities of survivors and crime victims to assist in criminal investigations and prosecutions.

¹ Orloff, L., Molina, R., Helein, P., Cárcamo-Carvazos, A. & Anver, B. (2015). [Comparing forms of immigration relief for immigrant victims of crime](#). National Immigrant Women's Advocacy Project, American University Washington College of Law.

² Szabo, K.E., Stauffer, D., Anver, B. & Orloff, L. (February 12, 2014). [Early access to work authorization for VAWA self-petitioners and U-visa applicants](#). National Immigrant Women's Advocacy Project, American University Washington College of Law.