

Aminata is a **citizen of Mali**. She arrived on a *visitor's visa* to visit her sister, and **met and married Moussa**, another native of Mali. Moussa obtained **his U.S. citizenship** many years ago following a successful *application for asylum*. Moussa has *abused Aminata continuously* throughout their marriage and she has told no one. The couple has a **disabled child who receives early childhood intervention services from a social worker** who suspects there are issues of *domestic violence*. She advises Aminata to seek legal help but **Aminata is afraid to do so because she lacks legal immigration status**. The social worker brings Aminata to see you so that you can explain what **legal remedies may be available to her**. During the conversation with Aminata, you learn that *Moussa may not have been free to marry her because his first wife is alive and well in Mali*.

Is there a way for Aminata to apply for VAWA benefits despite this? Please use the material to Chapter Eight to answer this question. Do not forget to respond to two of your colleagues after your initial post.

<https://www.uscis.gov/humanitarian/abused-spouses-children-and-parents>

Yes, Aminata would still be able to apply for VAWA even though there was potentially bigamy involved. The eligibility requirement for Aminata is to be either a legal spouse or have a *marriage of good faith*. Because she has a legal marriage (as far as we know), it meets the requirement. Either way she would be able to seek legal remedy. The only condition we are not sure that she has is if she is a person of good moral character because nothing is mentioned about it in the information. She meets all the other requirements.

You did a lot of work on this assignment! When I first read the assignment, I was thinking a U Visa would be the way to go too; however, we do not know for sure if bigamy was committed.

You did a lot of work on this assignment! When I first read this assignment, I was thinking a U Visa would be the way to go, but I believe that the crime must have occurred in the United States or violated U.S. laws. The information did not say that the marriage was in the United States, and the other "wife" is living in Mali. It also says he *may not be eligible* to be married. Very vague.

1. VAWA Eligibility Despite a Potential Bigamous Marriage

Under VAWA, a spouse of a U.S. citizen or lawful permanent resident (LPR) can file a self-petition (Form I-360) for a green card without the abusive spouse's involvement. Normally, the petitioner must have entered into a valid marriage, but VAWA provides protection even if the marriage is legally invalid due to bigamy under the "intended spouse" rule (INA § 204(a)(1)(A)(iii)(II)(aa)(BB)).

Since Aminata believed in good faith that she was legally married to Moussa, she may still qualify for VAWA protection as an "intended spouse".

2. Evidence Aminata Needs for a VAWA Petition

To qualify, Aminata must prove:

- Her good faith belief that she was legally married to Moussa.
- Moussa's U.S. citizenship (since he naturalized after asylum).
- That she suffered battery or extreme cruelty during the marriage.
- That she lived with Moussa (even if for a short period).
- That she is a person of good moral character.

Aminata can submit:

- Her marriage certificate as proof of her belief in the marriage's validity.
- Police reports, medical records, or a letter from the social worker documenting abuse.
- Statements from friends, neighbors, or community members who know about the abuse.
- Evidence of her child's disability and the impact of Moussa's abuse on their family.

3. Additional Immigration Protections for Aminata

- VAWA applicants can apply for work authorization while waiting for their green card.
- She can request a prima facie determination (temporary protection while her case is pending).
- If she does not qualify for VAWA, she may still qualify for a U visa (for crime victims) if she reports the abuse and cooperates with law enforcement.

4. Next Steps for Aminata

1. File a VAWA self-petition (Form I-360) as an “intended spouse.”
2. Gather supporting evidence from the social worker and any other sources.
3. Apply for work authorization (Form I-765) once her petition is pending.
4. Prepare to file for adjustment of status (Form I-485) if her I-360 is approved.