



# DOCUMENT GATHERING GUIDE FOR VAWA SELF PETITIONERS

By Veronica Garcia

## I. Introduction

This guide is designed to walk you through which documents are needed when filing a Violence Against Women Act (VAWA) self-petition. This guide is not a comprehensive explanation of the law or its requirements, but instead a user-friendly resource meant to help a self-petitioner learn what documents are necessary. For a more comprehensive guide on VAWA, you can visit the Immigrant Legal Resource Center's (ILRC) website at [www.ilrc.org](http://www.ilrc.org).

This guide is designed for advocates, volunteers, friends, and social service providers who may not be familiar with what is needed for a VAWA self-petition.

Please note that this guide refers to VAWA applicants as “self-petitioners,” as opposed to clients, or applicants. Also, it is important to note that a person can qualify for VAWA regardless of gender – VAWA protections cover men, women, and nonbinary people who are spouses, children, and parents.

This guide is divided into sections of the documentation needed to prove eligibility for VAWA, how the self-petitioners can build a declaration and the information that should be included, and lastly walks individuals through where and how these documents can be requested.

## II. Before You Start

Before you start gathering documents, take a look at these general suggestions which will make the process easier, quicker, and more complete.

- **You do not need all the documents listed in each category.** This guide includes many ideas for evidence, but it is not necessary to gather all of them. In most cases the guide includes a list of suggestions of documents that can be used.
- **Documents in any language other than English will need to be translated.** All translations must be “certified” by a competent translator. There are specific guidelines and formats for this process.

- **Save all documents in a secure place.** This includes copies of all petitions filed with the USCIS and all correspondence from and to the USCIS.
- **Keep copies of everything you send to USCIS and to other law enforcement agencies.** Remember that mailing something is not foolproof, so it is important to keep a copy of anything you send to the Vermont Service Center (VAWA branch of USCIS) and to always send it in a way you can track such as U.S. Postal Service Certified Mail with Return Receipt Requested.
- **When you talk to someone, write down the name, date, time and what they said.** Then, if you are unable to get the documents you feel are best, you can show the USCIS all your efforts to get them.

### III. Proving VAWA Requirements

To qualify for VAWA, a self-petitioner needs to show they are eligible for VAWA. This means they need to show they had a qualifying relationship with the abuser (i.e. are the spouse, child, or parent), suffered abuse at the hands of the family member, that family member had or has status (i.e. is a U.S. citizen or a lawful permanent resident), lived with the abuser, and are a person of good moral character. Self-petitioners petitioning based on abuse from a spouse need to show they were in a good faith marriage.

Below are documents that can be used to show VAWA eligibility.

#### A. Self-Petitioner Relationship to Abuser

##### 1. As a Spouse

Self-petitioners must show evidence that they are (or were, in the case of recently divorced self-petitioners) legally married to their abusers. The self-petitioner is required not only to show that their marriage is or was legal but also that all previous marriages were terminated by death or dissolution.

To prove the existence of a legal marriage to the abuser, the following documents, which are further described below, are necessary:

- Marriage Certificate (between the self-petitioner and the abuser)
- Death Certificates for any marriages (of either spouse) that ended in death
- Divorce Certificates for any marriages (of either spouse) that ended in divorce

**Note on Common Law Marriage:** If a common law marriage was properly formed in a state that recognizes common law marriage, it can be used to apply for VAWA. Not all states recognize common law marriage, but some do. For a list of states that recognize common law marriages, self-petitioners can visit the following website: <https://www.ncsl.org/research/human-services/common-law-marriage.aspx>.

## 2. As a Child/Parent

Self-petitioners who are petitioning as a child or a parent need to show the familial relationship to the abuser. This is shown with the birth certificate of the self-petitioner and the abuser. Adopted children and stepchildren will need additional documentation for their self-petition.

**Note on Documenting Stepchildren and Adopted Children Relationship:** **Stepchildren** will need to provide documentation showing the marriage, which created the stepchild relationship, occurred before their 18th birthday. Some of the evidence that can be used to show this is the stepchild's birth certificate, the marriage certificate of the stepparent and the natural parent showing when the marriage occurred, and any evidence of legal termination of prior marriages (if any existed). **Adopted children** will need to provide evidence that the adoption was finalized before their 16th birthday (or the child is the sibling of a child adopted by the same parents before the age of 18). Evidence that can be provided to show this is the adoption decree and proof of residence with the abusive parent for some period of time. Note that adopted children under VAWA do not have to meet the two-year residency requirement and can still qualify even if they lived less time with the abuser.

### B. Good Faith Marriage

*This is only required for self-petitioners filing as the abused spouse.*

Gathering evidence to demonstrate good faith marriage is usually not too difficult. The idea is to show that the couple intended to make a life together and not to cheat immigration law. If the marriage was short, USCIS might be more suspicious and the self-petitioner should explain why the marriage was short in their declaration and try to provide more evidence of good faith intention to marry.

Any of the following documents may help demonstrate good faith marriage:

- **Birth certificates of children:** Children born in the marriage is one of the clearest ways to show good faith marriage. This can be shown by submitting the birth certificate of the children born that indicate the self-petitioner and the abuser as the parents.
- **Photographs:** Particularly helpful are wedding pictures, pictures of the couple together, and pictures of the whole family together. Self-petitioners do not have to send original photos and can send photocopies.
- **Notes, cards, email and letters between self-petitioner and abuser:** Notes, letters, cards, or emails from the abuser can also serve as evidence of good faith marriage. If the self-petitioner has any written correspondence from the abuser that indicates affection or closeness, they should include it in their petition.
- **Joint property interests:** any document that shows joint financial interests serves as evidence of a good faith marriage, like a joint bank account, car lease in both their names, health insurance in both their names, and income tax returns, to name a few.

- **Declarations from friends and family:** Declarations from friends and family can address the good faith marriage question. Friends and relatives can write about the couple, their romance, how the self-petitioner felt about the relationship in the beginning, and so on.

### C. Status of the Abuser

VAWA self-petitioners are required to prove that the abuser is either a lawful permanent resident of the United States or a U.S. citizen. This requirement can be difficult for some self-petitioners, so this guide provides a range of documents that can be used to show the status of the abuser.

Below is a table of documents that can be used if the abuser is a U.S. citizen or lawful permanent resident. Any one of the following documents should be sufficient, and it is not necessary to obtain each of these documents.

| Document                                   | If the abuser is a U.S. Citizen                                                                                                                                                        | If the abuser is a Lawful Permanent Resident                                                                                                                                |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Birth Certificate</b>                   | Yes, if the abuser was born in the United States, can submit a copy of their birth certificate.                                                                                        | No. You need to show status in the United States.                                                                                                                           |
| <b>Passport</b>                            | Yes, you can submit a copy of their U.S. passport.                                                                                                                                     | No. They would only have country of origin passport which will not show status in the United States.                                                                        |
| <b>Government-Issued Document</b>          | U.S. naturalization certificate. An abuser will have this document if they are a naturalized U.S. citizen, i.e. they were born in another country but obtained their U.S. citizenship. | The “Alien Registration card” or green card that list their A-number and when they obtained lawful permanent resident status can be used to show status.                    |
| <b>Approval Notice for Family Petition</b> | Yes. If the abuser has already filed an I-130 petition for the self-petitioner, a copy of USCIS’ receipt or approval notice may be used to show the abuser’s status.                   | Yes. If the abuser has already filed an I-130 petition for the self-petitioner, a copy of the USCIS’s receipt or approval notice may be used to show the abuser’s A number. |

### D. What if I cannot get any of these documents?

If you cannot get any of these documents, any USCIS document or letter with the abuser's A number can be used. If the self-petitioner has no physical documentation but they do have the abuser’s A-number, they should submit it to USCIS in their application. They should explain why they were unable to submit a photocopied document and should request that USCIS search its database. An additional option is for the self-petitioner to submit a Freedom of Information Act request to see if they have an immigration file that includes any of the abuser’s relevant information. **See Section V, Gathering Personal Records below for information on how to**

**request the Freedom of Information Act.** A last resort is to obtain declarations from people who have knowledge of the abuser's status. **See Section IV on "Declarations" for more information.**

**NOTE:** If the abuser is a U.S. citizen by birth, USCIS may not have a record of them, but a self-petitioner can attempt to obtain the abuser's birth certificate if the state they live in considers them public records. More information of this option is available in Section V. Generally, the self-petitioner will need the following information about the abuser:

- Full name
- Date of birth
- Mother's maiden name
- Place of birth (if possible)
- Social security number (if possible)

### E. Residence with Abuser

Self-petitioners are required to show that they currently live or did live with the abuser. VAWA does not specify how long the self-petitioner had to live with the abuser. However, if the self-petitioner and the abuser lived together for only a short time, they should explain that in their declaration.

Self-petitioners can be creative in demonstrating joint residence. The following documents, serve as documentation for joint residence when both the self-petitioner and the abuser are listed on the address:

- Lease or rental agreements
- Utility or other bills
- Children's school records
- Letters to both spouses – or to each spouse, if the letters show the same address at the same time
- Other documents listing self-petitioner and abuser at same address at the same time, such as medical records, declarations from landlords, neighbors, and friends

### F. Proving Abuse

Self-petitioners are required to show that they were subjected by the abuser to "battery or extreme cruelty," a term that includes a wide range of physical, mental, and emotional abuse and cruelty.

Self-petitioners have many options for demonstrating abuse. If obtaining evidence of this is confusing and difficult for the self-petitioner because it requires extensive contact with public officials and law enforcement agencies, an advocate might help. The following describes documents that can be used by the self-petitioner to prove the abuse.

| Situation                                                | Document                                                                                  | Where to Access                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Self-petitioner reported abuse to the authorities</b> | Restraining order, stay away, or exclusion order                                          | These can be obtained from the court that issued the protective order/stay away order. When contacting the court, self-petitioners should be ready to provide their name, date of birth, as well as the approximate date the order was filed.                                                                                                                                                                                                                                                               |
|                                                          | Police report                                                                             | Victims of domestic violence have legal access to any police report in which their names are listed. The self-petitioner contact their local police department and explain that they are trying to obtain a copy of the police report for an incident of domestic abuse. If they can provide the location of the site that the police visited and the approximate date, the police can give them a contact number at the records department of either the county police department or the sheriff's office. |
|                                                          | Statements, notes, or declarations from a police officer with knowledge of the situation. | If the police visited the self-petitioner's residence for a domestic violence issue recently, and the self-petitioner is able to directly contact that police officer, then they can ask the officer to write a declaration about the incident and the abuse.                                                                                                                                                                                                                                               |
|                                                          | 911 transcripts                                                                           | Each police department has a different procedure regarding 911 transcripts. The easiest way to find out how to get 911 transcripts is to call the local police department and ask. The self-petitioner should explain that they are submitting a petition to USCIS under the Violence Against Women Act and need to show evidence that they have suffered abuse. The police department can direct the self-petitioner to the appropriate department or division to obtain their 911 transcripts.            |
| <b>If the self-petitioner's case went to trial</b>       | Criminal court records if abuser was arrested or convicted                                | These can be accessed at the courthouse where the trial took place by contacting the court's records department.                                                                                                                                                                                                                                                                                                                                                                                            |

| Situation                                         | Document                                                | Where to Access                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>If the self-petitioner accessed assistance</b> | Medical records                                         | If the self-petitioner went to a clinic, doctor's office, or emergency room for injuries resulting from domestic abuse, they can use the medical records to demonstrate abuse. It is <i>not</i> necessary that the self-petitioner reported the true reasons for injuries or told staff that they had been abused.                                                                                                                  |
|                                                   | Domestic violence shelters                              | If the self-petitioner went to a domestic violence shelter or even consulted a shelter worker because of domestic abuse, the shelter may have records of the visit and of the general facts of the situation. Shelters are often sensitive about releasing information, so it is important for the self-petitioner to explain why they need records of their visits and for what purpose they will be used.                         |
|                                                   | Counseling/mental health records                        | If the self-petitioner has seen a counselor or a mental health worker, records of their visits can serve as evidence of abuse and related emotional strain. If the counselor knows the self-petitioner's case well enough, they can also write a declaration to support the self-petitioner's claim that they suffered domestic abuse.                                                                                              |
| <b>Other evidence</b>                             | Photographs of injuries or damaged property             | Some self-petitioners may have photographs of bodily injury or property damage resulting from their spouse's abusive behavior. Photographs are good evidence of abuse and should be included along with explanations of the photograph's content.                                                                                                                                                                                   |
|                                                   | Letters, emails, or texts from the abuser               | Letters, emails, or texts from the abuser may reveal aggressive, violent, jealous, or threatening behavior and treatment. Even an apology note can show that mistreatment and abuse have taken place.                                                                                                                                                                                                                               |
|                                                   | School records containing comments by child about abuse | Schools usually keep records of comments made by children about abuse in the family as well as teachers' concerns about domestic abuse. If the self-petitioner suspects that their child might have made such a comment or that one of the child's teachers is or was concerned about violence in the family, they can go to the school to find out if there are records on file and to see whether they can obtain copies of them. |
|                                                   | Declarations                                            | The self-petitioner should use their own declaration to explain the abuse they suffered. Additionally, they can get declarations from people who witnessed the abuse or were told about it by the self-petitioner, or from domestic violence shelter staff, and/or a mental health worker/counselor.                                                                                                                                |

## G. Good Moral Character

Self-petitioners are required to demonstrate that they are persons of good moral character. This generally means that the self-petitioner follows the law. It can also refer to their positive contributions to their family and community.

Unless the self-petitioner has possible problems in their ability to show good moral character, the self-petitioner should state in their declaration that they have good moral character and that they have had no problem with the law. They might also mention their position in and contributions to the community and their role in the positive development of their families. ***This is described in more detail in the section called "Writing the Declaration" below.***

In terms of documents to show good moral character, the self-petitioner must include at least one of the following types of documents from each place the self-petitioner has lived for at least six months in the last three years:

- ***Local police clearance letters:*** The self-petitioner can request a clearance letter from a local police department by giving their name, date of birth, and place(s) of residence.
- ***A state criminal record check:*** The self-petitioner can include a state criminal record check if the local police clearance letters are unavailable, along with a statement explaining why the self-petitioner was unable to obtain the local police clearance letter. ***More information on how to request this can be found below.***
- ***Declarations from people who can vouch for the self-petitioner's good moral character*** (especially if the police clearance letter is unavailable or there are problems regarding good moral character).

## IV. Self-Petitioner's Declaration

The main point of the declaration for the self-petitioner to tell their own story and explain why they need to self-petition. The declaration should come from the self-petitioner's own words and reflect their own thoughts, experiences, and emotions. The declaration should sound like a story.

### A. Organizing the Declaration

The declaration plays an important role in the self-petition and should address each of the VAWA self-petitioning eligibility requirements. In other words, the declaration should address the marriage, the joint residency, the immigration status of the abuser, the nature of the abuse, and the self-petitioner's good moral character.

Below are some suggestions for how a self-petitioner can structure the declaration. This should be used as a guide and not to replace the self-petitioner's individual story. All declarations should be reviewed by a legal advocate before they are submitted.

**Note:** The structure below is set as if the self-petitioner is submitting due to the abuse they suffered in a marriage. For those self-petitioning as the abused parent of a U.S. citizen child or abused child of a U.S. citizen

or lawful permanent resident parent, they should follow a similar structure of stating the nature of the relationship, the abuse, and their good moral character.

Begin the declaration with the statement “I, (your name), hereby declare:”

### **Section 1: The Courtship & Marriage**

Describe a little bit about the period before you got married, using dates and specific examples when possible.

Suggested things to include (answer all questions in full sentences, in paragraph form):

- When, where and how did you meet your spouse?
- How long did you date before you were married?
- Do you have any children together? If so, how many, and how long after marriage did you have your first child?
- Did you think this was a good relationship? Were you in love? Tell about how you decided to get married.

### **Section 2: Domestic Violence**

Give a brief discussion as to how and when your spouse first began their abusive behavior towards you. You may want to focus on the first, the worst, and the last incidents of violence. Include dates if possible. Make sure to include both physical and psychological abuse.

Do not make any general statements without explanations. For example, do not say “my spouse used to abuse me all the time.” Instead, give specific examples of how your spouse abused you (what your spouse did and/or said), when they abused you by giving dates, and the specific details of what happened.

Suggested things to include:

- When in the relationship did the abuse start? Was it gradual or sudden?
- Did your spouse’s behavior change? Were they violent sometimes, then apologetic later? Did you feel afraid that they would hurt you?
- Were you afraid for your children?
- What led up to the incidents?
- Did you call the police? If not, why not?
- If you called the police, was your spouse arrested? If not, why weren’t they arrested? Did you get a restraining order? If so, when?
- Did you seek medical or mental health services?
- Did anyone witness the violence?
- Did your spouse force you to have sex when or in ways you didn’t want to?
- Did they try to control your behavior or what you could do?
- Did they say cruel or insulting things to you?
- Did they try to keep you away from your family and friends?
- Did they damage or destroy your possessions?
- Did they hurt or threaten your children, family, friends or pets?
- Did they threaten to turn you in to immigration authorities or have you deported?

- How did your spouse’s behavior make you feel?

### Section 3: Good Moral Character

Write about your good moral character including:

- Your lack of problems with the law, or if you’ve had problems with the law, describe if the abuse you suffered was related;
- Your positive role as a parent, community member, student, or employee, etc.;
- Any other community activities (such as a position in the church or community group, or work at the school).

### The Last Section

The last section of your letter to USCIS should include the following statement:

“I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.” Sign your declaration and write the date.

## V. Gathering Personal Records

Below is information on how and where to request marriage certificates, birth certificates, divorce records, immigration records, and criminal records.

If you are unable to obtain any of the records needed, please read the “Having Trouble Finding Evidence” section for ideas on how and why to track your efforts for use in the self-petition application packet.

### A. Marriage Certificates

For individuals who were married in the United States, they can access their marriage license in the state where the marriage was performed. Different states have different requirements and locations where you can request this. For general information and state specific information, self-petitioners can visit the Vital Records page of the Center for Disease Control Prevention Website (CDC) at <https://www.cdc.gov/nchs/w2w/index.htm>.

Self-petitioners should be prepared to provide the following information when making a records request:

- Full name of spouse
- Full maiden name
- Date of marriage
- Place of marriage (city/town, county, state)
- Registration number, if possible

If any of that information is not available, the self-petitioner should provide the most thorough information they can and indicate that some of the information is only an approximation. As always, the self-petitioner should include the reason the record is needed, plus their name, address and signature.

Below is an example of how someone would go about requesting their marriage certificate if they got married in California.

### Requesting Marriage Certificates in California

There are two options for self-petitioners who got married in California. A self-petitioner can either go to the California Office of Vital Records (a part of the California Department of Public Health) or to the Vital Records Offices in the county in which they were married. It is generally much quicker and easier to contact the county for vital records.

County Records: Each county has an agency that keeps basic vital records like marriage certificates. Those offices are usually called the "County Recorder." Self-petitioners can call or write the County Recorder to request marriage certificates.

To find the Office of Vital Records in each county, the self-petitioner or their advocate can dial 411 and ask for the County Recorder in the city in which they were married. Each county has different procedures for requesting vital records, but documents usually can be requested over the phone, through the mail, or in person. Fees for marriage certificates vary by county but are usually between \$15 and \$20, and there may be options to pay by credit card, check, money order, or even cash in some cases. Extra charges apply for rushed documents. Each county has a different waiting time for record requests; the County Recorder can tell callers how long it will take for their documents to arrive. No identification should be needed because marriage certificates are public record in California.

State Records: Marriage records are also available from the California Office of Vital Records, but the records are far more limited, and the waiting period is much longer than at county offices. The self-petitioner may want to contact the California Department of Public Health or the California State Vital Records Office to ascertain current waiting times.

The self-petitioner can also request records online at <https://www.vitalchek.com>. This is a great option for self-petitioners who got married outside of California.

**Marriage Outside the United States:** If the self-petitioner got married outside the United States, they will need to request the record in the country where the marriage took place. This is usually simplified by having a relative or a friend who is in that country obtain the document. Alternatively, in some cases, the local consulate can help the self-petitioner track down the document.

## **B. Death Certificates**

As with marriage certificates, death certificates are best obtained through the County Recorder in the county where the death occurred. The self-petitioner or their advocate can find contact information for the County Recorder by going to [www.vitalrec.com](http://www.vitalrec.com). The self-petitioner can get the record by mail or in person.

To obtain a death certificate for a deceased spouse or a spouse's deceased spouse, most counties only require the name of the deceased and the date of death. If the self-petitioner does not know the exact date of death, they may tell the County Recorder that the date given is only an approximation or they may give a range of dates. It is always preferable to provide additional information when possible. For example, the self-petitioner should provide the place of death and the deceased's date of birth if possible.

Again, no identification should be necessary if the death certificate is considered a public record, and they are open to anyone.

**Death Records Outside the United States:** Please see the section above on "Marriage Certificates Outside the United States" The directions are the same for death records.

### C. Divorce Records

Unlike birth, death, and marriage certificates, divorce records are not generally accessible through the County Recorder. A divorce decree is a court document, which is usually available through the county court in the county in which the divorce was filed. Self-petitioners may call 411 to request the phone number for the county court in the county where they divorced. This can be a bit confusing because county courts often have many divisions and departments.

An easier alternative may be to locate the County Recorder and call that office. The County Recorder can give the self-petitioner the direct number for locating divorce records. The County Recorder can quickly and easily provide the direct phone number for divorce records. Requesting this record from the County Recorder will be like requesting the marriage license from the county described above.

When the self-petitioner speaks with the county court, they should get a contact address if they plan to mail a request for records and also ask what information they need to provide. Most counties require that the requestor provide the name of both parties in the divorce, the approximate date of divorce, and the case number. If the case number is not available, the county court will search its database but may add an extra charge or take longer to process the request.

**Divorce Records Outside the United States:** Divorce records can be even harder to track down than marriage, birth, and death certificates because many countries do not have a central database of divorce records. The best way to track down divorce records is to solicit help from friends or relatives in the country where the divorce took place. If that is unsuccessful, the self-petitioner should refer to the section below called "Having Trouble Finding Evidence." In this case, they could include declarations from friends and family members with knowledge that the divorce did take place.

### D. Birth Certificates

Obtaining birth certificates for children born in the United States is much like obtaining a marriage or death certificate. Birth certificates are available through the County Recorder at the county in which the child was born. See the section on "Marriage Certificates" for directions on contacting the County Recorder. Be ready to provide the full name, date of birth, and place of birth for each child.

### E. Getting Immigration Records

A self-petitioner can submit a request for their immigration record by submitting a Freedom of Information Act (FOIA) request. This permits self-petitioners to view their own immigration files, if they exist. If the abuser already started the family-based petition process for the self-petitioner, the self-petitioner could attempt to request their own records to see what is in their file. The self-petitioner might get documents from a FOIA request that could verify the marriage and also possibly the abuser's immigration status.

Most of these requests will be made directly with USCIS, and self-petitioners can use Form G-639 to submit the request. For more information on how to submit a FOIA request and a step-by-step breakdown of the process, visit ILRC's *Step by Step Guide to Completing FOIA Requests with DHS* at <https://www.ilrc.org/step->

[step-guide-completing-foia-requests-dhs](#). Obtaining an immigration file through a FOIA request can help a self-petitioner who is unable to obtain any information confirming their abuser's status.

## F. State Criminal Records

State criminal record checks usually take longer to receive, but they are a potential substitute for local police clearance letters. The main challenge to getting a state clearance letter is that a fingerprint card needs to be included with the request. To have fingerprints taken, self-petitioners must show photo identification. Some fingerprint agencies accept foreign identification, but others do not.

If the self-petitioner has foreign identification and has been unable to get local clearance letters (perhaps because they lived in many locations in the last three years), they should try to locate a fingerprinting agency that accepts foreign identification.

The situation with fingerprints, however, is complicated. Self-petitioners are instructed not to tell the agency or police department that they are requesting state clearance letters for immigration purposes. It is better for self-petitioners to tell the agency that they are requesting the state criminal record check for a domestic violence situation. Self-petitioners can just write "personal" on the section of the fingerprint form that asks for the purpose of the fingerprints.

## G. Having Trouble Finding Evidence?

It can be hard to find the documentation needed to prove eligibility for VAWA. Abused undocumented individuals face many challenges in gathering evidence. Getting documents like government-issued identification and records can be especially difficult for some who is no longer living with their abusive family member, where the abuser has possession of the document, or when the self-petitioner does not have an ID to make the request. In those cases, where efforts to obtain the necessary evidence were made and documented but were unsuccessful, USCIS may accept more informal evidence, such as declaration and letters. A self-petition should not be rejected just because of missing an official document, so long as you have other believable documents that show you meet the requirements.

Remember to:

- 1) **Keep track of your efforts:** Self-petitioners should keep records of their efforts to get the evidentiary documents. If the self-petitioner tries two times to get a police report from a domestic violence incident and keeps getting rejected because they do not have a state-issued ID, they should explain each effort they made and why they were rejected. Attach notes to the evidence they are able to get, such as a declaration from a friend who saw the abuse or heard about it or an abusive note from the self-petitioner's spouse.

For example, if the self-petitioner cannot convince the police department to give them a clearance letter or police reports, the self-petitioner should create a log of their efforts. They should include the date, the document in question, and the efforts they made to obtain the document. If they wrote letters or emails to request the records, they should include copies of those.

- 2) **Ask for a Letter:** An additional tip is to ask the agency that has denied the self-petitioner to write a letter verifying that they could not provide the requested document. The agency may refuse to write the letter, but it is worth a try to ask. Such a letter would be excellent evidence that the self-petitioner made a good effort. The letter might look like this:

On September 23, 2020, the bearer of this letter came into the Yuba City Police Department to request a report of a police visit made to 123 Main Street, Yuba City at 7:18 pm on July 13, 2020. I was not able to grant the request for a police report because they had no photo identification.  
Sgt. John Doe

## VI. Conclusion

We hope this guide helped walk you through which documents you can use when filing a VAWA self-petition. Remember that this is not a comprehensive explanation of the law of its requirements and instead if meant to be used as a resource to help in the processing of collecting documentation.

For more in-depth information on the immigration provisions of the Violence Against Women Act (VAWA), the ILRC provides trainings, practices advisories, and a comprehensive practice manual. Please visit our VAWA resources at <https://www.ilrc.org/u-visa-t-visa-vaawa>.



### San Francisco

1458 Howard Street  
San Francisco, CA 94103  
t: 415.255.9499  
f: 415.255.9792

[ilrc@ilrc.org](mailto:ilrc@ilrc.org) [www.ilrc.org](http://www.ilrc.org)

### Washington D.C.

1015 15th Street, NW  
Suite 600  
Washington, DC 20005  
t: 202.777.8999  
f: 202.293.2849

### Austin

6633 East Hwy 290  
Suite 102  
Austin, TX 78723  
t: 512.879.1616

### San Antonio

500 6<sup>th</sup> Street  
Suite 204  
San Antonio, TX 78215  
t: 210.760.7368

### About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC's mission is to protect and defend the fundamental rights of immigrant families and communities.